



**DRAFT GUIDELINES
FOR THE
IMPLEMENTATION OF DIRECTIVE
2000/59/EC ON PORT RECEPTION FACILITIES**

LEGAL NOTICE

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

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1. Introduction

Directive 2000/59/EC on Port Reception Facilities for Ship-Generated Waste and Cargo Residues¹ (the PRF Directive) was adopted on 27 November 2000. Since it came into force, the European Commission (DG MOVE), assisted by the European Maritime Safety Agency (EMSA), has been assessing the implementation of this Directive.

Different interpretations and ways of implementing certain key provisions of the PRF Directive have hampered its effective implementation, monitoring and enforcement. While respecting the principles of subsidiarity and proportionality, the following articles in the Directive would benefit from further guidance:

- The implementation of Article 7 'delivery of ship-generated waste', especially the second paragraph, whereby ships with "*sufficient dedicated storage capacity*" may be allowed to proceed without delivering their waste. These can be found in Part 1 of this document;
- The implementation of Article 9 'Exemptions' for ships engaged in "*scheduled traffic with frequent and regular port calls (...)*". These can be found in Part 2 of this document;
- The development, approval, monitoring and implementation of Waste Reception and Handling plans (Article 5 and Annex I), whose main purpose is to ensure the adequacy of PRF. These can be found in Part 3 of this document

It is intended that the guidelines:

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

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

2. Definitions

For the purpose of these Guidelines, the definitions provided in Article 2 of the PRF Directive apply:

- (a) "ship" shall mean a seagoing vessel of any type whatsoever operating in the marine environment and shall include hydrofoil boats, air-cushion vehicles, submersibles and floating craft;
- (b) "MARPOL" shall mean the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, in its up-to-date version;
- (c) "ship-generated waste" shall mean all waste, including sewage, and residues other than cargo residues, which are generated during the service of a ship and fall under the scope of Annexes I, IV and V to MARPOL and cargo-associated waste as defined in the Guidelines for the implementation of Annex V to MARPOL;
- (d) "cargo residues" shall mean the remnants of any cargo material on board in cargo holds or tanks which remain after unloading procedures and cleaning operations are completed and shall include loading/unloading excesses and spillage;
- (e) "port reception facilities" shall mean any facility, which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues;
- (f) "fishing vessel" shall mean any ship equipped or used commercially for catching fish or other living resources of the sea;
- (g) "recreational craft" shall mean a ship of any type, regardless of the means of propulsion, intended for sports or leisure purposes;
- (h) "port" shall mean a place or a geographical area made up of such improvement works and equipment as to permit, principally, the reception of ships, including fishing vessels and recreational craft.

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

3. Abbreviations

HFO:	heavy fuel oil
MDO:	marine diesel oil
MS:	EU Member States
PRF:	Port Reception Facilities
The PRF Directive:	<i>Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues;</i>
SGW:	Ship-generated waste
WRH:	Waste Reception and Handling Plan

Part 1: Guidance on the implementation of Article 7 – ‘Delivery of ship-generated waste’

Article 7

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

2. *Notwithstanding paragraph 1, a ship may proceed to the next port of call without delivering the ship-generated waste, if follows from the information given in accordance with Article 6 and Annex II, that there is sufficient dedicated storage capacity for all ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship until the port of delivery.*

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

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

1.0 Introduction

Article 7 is one of the key Articles of the PRF Directive that focuses on the principle goal of the Directive - avoiding the discharges of SGW at sea – and it obliges masters of ships to deliver all ship-generated waste.² Furthermore, the Article allows an exception from this principal obligation in situations where it can be established from the advanced notification form (Article 6), that there is “*sufficient dedicated storage capacity for all ship generated waste*”. This concept has been implemented in many ways and has been identified by the EC as one of the issues that can be harmonised through Guidance. The following areas also require further guidance:

- Definition of the notion ‘**deliver all waste**’ (in Article 7.1);
- Appropriate examination of the information notified by masters;
- Assessment of situations under Article 7.2 allowing ships to proceed to the next port without delivering their SGW – including a methodology to establish whether the ship has ‘**sufficient dedicated storage capacity**’ on board; and,
- Appropriate and uniform follow-up and enforcement action by the competent authorities.

² Article 10 imposes an equivalent requirement for the delivery of cargo residues to PRF, in accordance with the provisions of MARPOL.

2.0 Application

2.1 The mandatory delivery requirement in article 7(1)

Article 7 is one of the key Articles of the PRF Directive, supporting its principle goal: avoiding the discharges of SGW at sea. It obliges masters of ships to deliver all SGW. Furthermore, the Article allows an exception from this principal obligation in situations where it can be established from the mandatory notification form (Article 6), that there is “sufficient dedicated storage capacity for all ship generated waste”.

For the purposes of the application of the mandatory delivery clause, the term “**all ship-generated waste**” used in Article 7.1 should mean all types and amounts of SGW on-board, [including segregated waste for recycling], from ships using the port.

Article 7(2) the PRF Directive states that the ship:

“.....may proceed to the next port of call without delivering the ship-generated waste, if it follows from the information given in accordance with Article 6 and Annex II, that there is sufficient dedicated storage capacity for all ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship until the port of delivery”.

and,

“If there are good reasons to believe that adequate facilities are not available at the intended port of delivery,....”

In both cases the “port of delivery” should be considered as the next port of call.

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

2.2 Article 7.2: sufficient storage capacity

If a ship does not deliver its SGW after advanced notification, only delivers part of its SGW or intends to leave without delivering of all of its SGW, an assessment needs to be performed to determine whether the ship has ‘sufficient dedicated storage capacity’ on board. Sufficient dedicated storage capacity is defined as enough capacity to store the SGW a ship is leaving port with and the SGW it is likely to produce on the next voyage³. There are various methods that could be used to determine this, and these have been outlined in Annex 1.

In general it is recommended that the percentage indicating the Used Waste Capacity (UWC) at the end of the voyage should not exceed [75%]⁴ of the

³ Based on the text of Article 7(2) of the PRF Directive.

⁴ RESOLUTION MEPC.200(62) Adopted on 15 July 2011

maximum storage capacity, [or in the unlikely event that the next port of call is unknown, and therefore the amount of waste to be produced is unknown, then the Used Waste Capacity (UWC) at the beginning of the voyage should not exceed [25%]⁹, [50%]⁹ for short sea shipping].

2.3 Expected amounts of SGW

One key element in calculating whether there is sufficient dedicated storage capacity is the understanding of the amounts of SGW that are likely to be generated on a vessel. These amounts of SGW can be estimated as follows:

Oily wastes. It can be estimated that the amount of sludge generated during the voyage is about 1.0 % - 1.5 % of the daily fuel consumption for ships using HFO, and about 0.5 % of the daily fuel consumption for ships using MDO.⁵ The daily consumption of fuel can be calculated from the fuel logs on the vessel, or directly from the master of the ship.

Bilge water quantities: These cannot be estimated accurately. However there must be evidence for appropriate handling of oily bilge water in the Oil Record Book.⁶ Ships over 400 tons are allowed to discharge their bilge water at sea through an approved oil-water separator with a maximum effluent oil content of 15 ppm, and will therefore usually only discharge bilge oil to reception facilities. For ships under 400 tons and for ships which have not discharged their bilge at sea, the bilge water will amount to 1-10 m³.⁷

Garbage: Garbage production on ships may vary widely per ship. Usually about 1.5 kg of domestic waste (i.e. all types of food wastes and wastes generated in the accommodation on board) is generated each day for each person on a cargo ship and about twice as much on a passenger ship.⁸

The generation of cargo associated waste depends on the type of vessel, the type of cargo, securing and care of the cargo and the handling of the cargo in port. General cargo ships do have the highest generation rate because they usually need a lot timber/wood etc. for cargo stowage and securing.

Generation of cargo associated waste⁹:

Vessel type	Generation rate/day
Bulk /OBO-carriers	8,2 kg/day

⁵ Paris MOU "GUIDELINES ON MARPOL ANNEX I Volume 1 - Section D.1.19

⁶ Paris MOU "GUIDELINES ON MARPOL ANNEX I Volume 1

⁷ IMO Comprehensive Manual on Port Reception Facilities 1999

⁸ IMO Comprehensive Manual on Port Reception Facilities 1999

⁹ Based on <http://www.turkishweekly.net/article/163/waste-management-planning-for-ship-generated-waste.html>

Container vessels	1,4 kg/day
General cargo vessels	50 kg/day
Reefers	22 kg/day

The generation of maintenance waste depends on many factors, including the type, size and age of the ship, engine, etc.

Sewage. HELCOM¹⁰ gives guidelines for the capacity calculation of sewage systems on-board passenger ships which apply to passenger ships engaged in voyages with a length of more than 24 hours:

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

A problem arises as the reporting for the PRF Directive focuses on the volume of SGW and most of these figures are based on weight. Conversion charts are available from the waste authorities in each MS and may be helpful in this respect.

2.4 Assessment of the intended port of delivery

As part of the process of deciding whether a ship may proceed to the next port of call without delivering the ship generated waste, the authorities will need to consider the intended port of delivery, in particular when the intended port of delivery is a non EU/EEA port. The authorities will have to consider the following circumstances:

- whether adequate PRF is available in the intended port of delivery;
- whether the upstream waste management in the next port of call/intended port of delivery is environmentally sound. This assessment should be based on the Basel Convention's requirements in relation to the environmentally sound management of hazardous and other wastes and the Basel Convention's Prior Informed Consent procedure¹¹; and,
- whether the intended port of delivery is located in the territory of a state, which is a Party to the MARPOL Convention and its Annexes.

3. Exchange of information and examination

3.1 Advance waste notification (article 6)

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

¹¹ Article 4 of Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

According to Article 6 of the PRF Directive the master of a ship (except a fishing or recreational vessel) bound for a community port, shall complete the notification form of Annex II of the PRF Directive and notify this information – within an indicated period of time - to the competent authority in the MS where the next port of call is located. Following the information provided in the advance waste notification (Annex II of the PRF Directive), the competent authority should decide whether the ship should undertake mandatory delivery of all of its SGW or allow an exception based on an assessment that there is sufficient dedicated storage capacity for all ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship until the port of delivery. (following Art. 7 (2) of the PRF Directive). In order to have an efficient and reliable decision making process, the accuracy of the provided information is very important; Therefore, the authorities responsible for the delivery decision may wish to have better access to alternative information which can confirm the information on the notification (waste receipts of previous discharges, IOPP Certificate) and/or carry out a visual evaluation of the actual situation on board (see Annex V).

Under the PRF Directive (as amended by Commission Directive 2007/71/EC) the only derogation not to notify SGW is for sewage, as sewage may be discharged at sea in accordance with Annex IV of MARPOL (outside special areas).

3.2 Exchange of information

It should be noted that in accordance with Directive 2010/65/EU¹² the system to be used for meeting the reporting requirements of the PRF Directive shall be SafeSeaNet (from 1 June 2015 the latest). Member States and the Commission have also agreed that information of ships which have not delivered their ship-generated waste and cargo residues should be transmitted via SSN (in meeting the provisions of Article 12.3 of the PRF Directive¹³). This is being developed separately and MS shall be informed of any further development of these requirements.

3.3 Examination

The information provided by the ship, via the ships agents, should be examined by the competent relevant authority in the MS to ensure that the requirements of the PRF Directive are being met (ref. Article 12(1)(d) of the PRF Directive). The port, or the appropriate waste management authority in the port, should, on receipt of the advanced notification form:

- arrange for PRF to be provided to the ship, that can receive and accommodate all the SGW volumes that have been notified in advance. This could be mobile facilities on a ship by ship basis or permanent facilities in the port that can be easily accessible from the ship;
- monitor whether the SGW being delivered corresponds to the quantity that has been notified, record this and report it to the Administration; and

¹² Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC; *OJL 283, 29.10.2010, p. 1–10*

¹³ See "SAFESEANET: Incident Report Guidelines; Version 1.91. of 18.10.2012", p. 10.

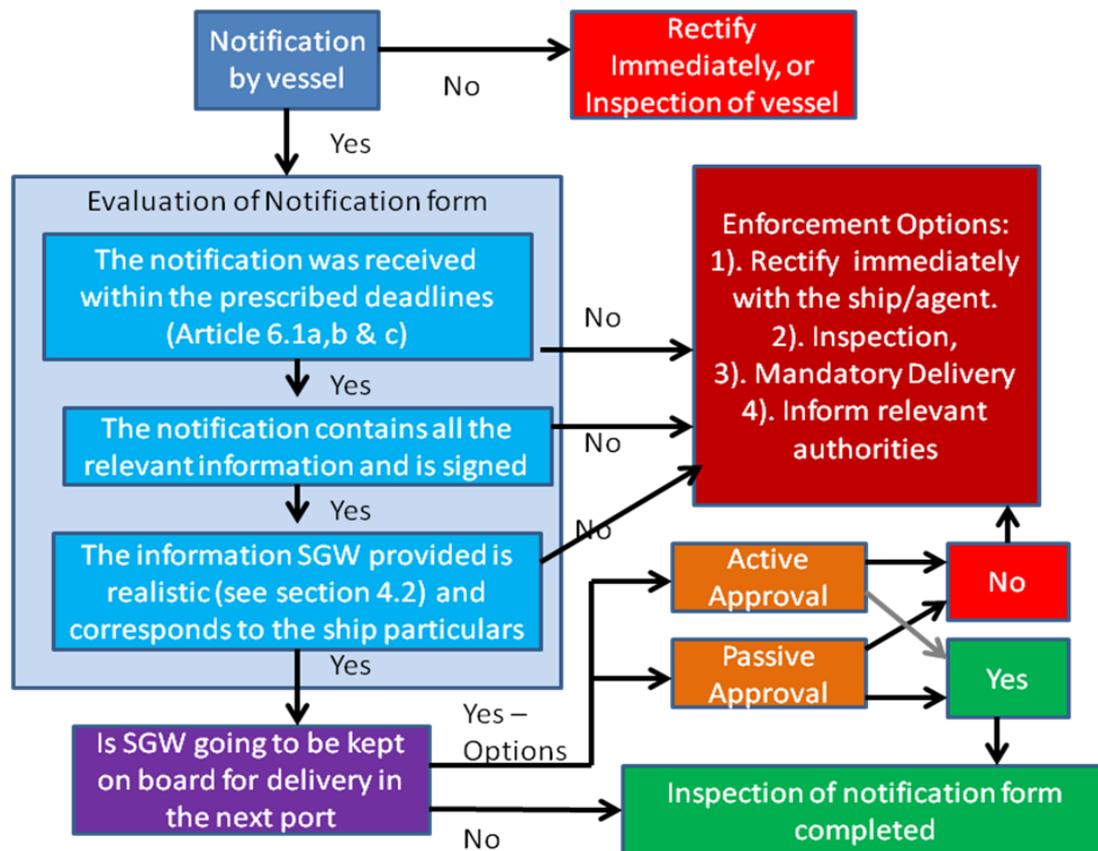
- ensure that a receipt, either from a registered waste contractor, or stating that SGW has been delivered into communal PRF which are managed and emptied by a registered waste contractor, is provided to the ship.

4. Enforcement

In order to aid enforcement of the Directive:

- The Port should report any inconsistencies with the Directive, including absence of notification or non-delivery immediately to the authority undertaking the PRF Inspection.
- The competent authority in each MS should:
 - receive the advanced notification from the vessel;
 - receive reports of inconsistencies from the port or third parties, especially those ships not delivering what they have notified; and,
 - evaluate the advanced notification form and/or any inconsistency report without delay to identify any infringement of the PRF Directive.
 - Inform the competent authority of the next port of call of non-delivery in breach of article 7 and 10 of the PRF Directive, so that the ship will not be permitted to leave that port until a more detailed assessment has taken place.

The recommended methodology for assessing the advanced notification form is laid out below.



When providing approval for whether the ship can leave with SGW on board the MS have two options

- Option 1: Active Approval¹⁴ - provide the ships that have sufficient storage capacity with written approval to leave with SGW on board. This could be done with a certificate or a simple message to the ship which should be kept on board; or,
- Option 2: Passive Approval¹⁵ - initiate a PRF Inspection for ships that do not have sufficient storage capacity, if appropriate and if feasible. This inspection should identify what waste the ship has on board and whether the ship has sufficient capacity to store the SGW produced on the next voyage. The ship should be made to deliver the waste if the PRF Inspection proves that the dedicated capacity is insufficient. To help with compliance and enforcement, ships should be able to ask for approval from the MS to leave the port with SGW providing they have sufficient dedicated capacity. The competent authority should have the capability to give that approval through evaluating the advanced notification form and/or a PRF Inspection,

If enforcement action is to be taken then the following authorities should be informed:

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

The MS should also inform the next port of call if the ship has left without delivering their SGW, or have left without approval or with insufficient waste storage capacity following evaluation of all the available information

In addition, ships should be targeted for random inspections to ensure compliance with this Directive. Inspection guidance will be developed by the EC in due course.

Ensuring that ships which do not have to apply the PRF Directive or only have to apply part of it is also important in enforcement of Article 7. The table in Annex 2 provides guidance for enforcement of the Directive for these ships.

A stepped approach to the PRF Inspection can be found in Annex 3 and a list of where the relevant information can be found on a ship to assist in the inspection process is provided in Annex 5.

¹⁴ Approval given to every ship that leaves with SGW

¹⁵ Approval by only targeting those ships that have, or appear to have a problem.

Annex 1 to Part 1:

Methods for Calculating whether there is sufficient dedicated storage capacity for SGW on board a ship when leaving port.¹⁶

Method 1: To be used on all SGW types when the destination port is known.

This methodology uses an arithmetic assessment based on the sum of waste amounts retained on board and the amount estimated to be generated until the intended port of delivery in relation to the maximum storage capacity; the resulting percentage indicating the Used Waste Capacity (UWC) at the end of the voyage should not exceed [75%]¹⁷ of the maximum storage capacity:

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

where:

A – amount of waste retained on board (m³),

E – estimated amount of waste to be generated between advanced notification and next port of call, care must be taken to ensure this figure is realistic.

M - maximum dedicated storage capacity (m³).

All this information can be obtained from the Port Waste Notification Form

[Method 2: To be used on all SGW types in the unlikely situation where the destination port, and therefore the estimated amount of waste to be generated is unknown]

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

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

where:

A – amount of waste retained on board (m³), and

M - maximum dedicated storage capacity (m³).

As a general rule the dedicated storage capacity is sufficient when the UWC_{BEGINNING} is less than [25%] (i.e. storage tanks are less than 25% full). In case of ships involved in the liner trade/short-sea shipping and heading to an EU/EEA port the WCU should be less than [50%] (i.e. storage tanks less than 50% full).

Both methods could be applied in case of oily wastes, different garbage types and sewage (when appropriate).]

¹⁶ From ISO 16304:2013

¹⁷ The figures presented using square brackets in this section are subject to discussion and final agreement.

Method 3: for sewage:

According to HELCOM (Recommendation 11/10, 1990), whether the sewage holding tank has the capacity to hold the sewage produced on the next voyage can be calculated using the following equation (however it should be noted that this has to be added to the amount of sewage that may be kept on board the ship as notified in the advanced notification form and should only be used in areas where the discharge of sewage is prohibited) :

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

Where:

C_r = capacity of the holding tank (m^3)

$A = 0.06$ (m^3 /person/day), value of A may reduce according to the flushing system, etc.

N_p = the total number of persons on-board

D_a = the maximum number of days operating in areas where the discharge of sewage that is not comminuted or disinfected into the sea is prohibited (minimum 1 day)"

Annex 2 to Part 1:

Guidance for enforcement on ships which do not have to apply all the elements of the PRF Directive.

Situation	Action / guidance
Ships exempted (from the advanced notification, delivery and payment of fees) under Article 9	The MS should monitor their waste delivery behaviour and ensure that these ships may also be targeted with an inspection.
Port calls by ships that are not required to forward the advance advanced notification (i.e. fishing vessels and passenger craft authorised to carry no more than 12 passengers) (Article 6)	Ports should liaise with the ships that do not have to send an advance waste notification to be informed of their intentions to deliver SGW, with a view of assessing the actual needs to comply with Article 7. According to Article 11.3 MS should have control procedures for these ships.
Ships falling out of the scope of the PRF Directive (Article 3): warships, naval auxiliary or other ship owned or operated by a State and used only on government non-commercial service.	Ports should ensure that these ships deliver their SGW and CR in a manner consistent, in so far as is reasonable and practicable, with the PRF Directive.

**Annex 3 to Part 1:
Guidance for Inspections**

Step	Item to check	Legal reference/Guidance
1.	<p>In case the ship approaching the port is required to submit an advanced waste notification under the PRF directive, whether it has been submitted;</p> <p style="text-align: center;">-</p>	<p>According to Article 11.2(a), ships which have not complied with the advanced notification requirements in Article 6 should be targeted with an inspection.</p> <p>The advanced notification requirement does not apply to:</p> <ul style="list-style-type: none"> - fishing vessels (article 6) - recreational craft authorised to carry no more than 12 passengers (article 6) - ships that have a valid exemption from advanced notification (Article 9) <p>ships falling out of the scope of the PRF Directive (Article 3 – see Section 4 on Application)</p>
2.	<p>The advanced notification was received in the correct manner;</p>	<p>A form compliant with the form in Annex II of the PRF Directive should be used;</p>
3.	<p>The advanced notification was received within the deadlines;</p>	<p>According to Article 6, the advanced notification should be forwarded:</p> <ul style="list-style-type: none"> - at least 24 hours prior to arrival; or - as soon as the port of call became known less than 24 hours prior to arrival; or - at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours.
4.	<p>All the relevant fields on the advanced notification form have been filled in appropriately;</p> <p>Information in response to all the 9 numbered points on the form in Annex II has to be filled in;</p>	<p>The advanced notification form includes the following instructions:</p> <ul style="list-style-type: none"> - if delivering all waste, the second column (waste to be delivered) should be completed as appropriate; - if delivering some or no waste, all columns should be completed.
5.	<p>The advanced notification is duly signed (including: date / time / signature);</p>	<p>The form in Annex II requires the ship to confirm specifically that:</p> <ul style="list-style-type: none"> - details are accurate and correct;

		<p>and</p> <ul style="list-style-type: none"> - there is sufficient dedicated on-board storage capacity for all ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship until the port of delivery.
6.	The information on the waste amounts provided in the different columns of the advanced notification form is accurate, logical, realistic and appropriate in view of the type of ship, the number of crew on-board, the shipping routes of the ship and the procedures for waste management on the ship.	Check the information, including its interrelation; compare to other ships of that type on a similar route, to flag out ships that intend to deliver considerably less waste.
7	That the ship has delivered all the waste that it has notified.	Check the waste receipt after delivery/payment and compare to the advance waste notification.
8	If the ship did not deliver all its waste in the last port then it has been delivered in this port.	Such a ship shall not be permitted to leave that port until a more detailed assessment of factors relating to the ship's compliance with the PRF Directive has taken place.
9	The ship has not deliver all or part of its SGW in the last port because the PRF were temporarily unavailable, (where temporarily unavailable means that the port did not provide PRF directly to the ship, or that the permanent facilities placed by the port near the berth are inoperative or full, during the time the ship is in the port) or inadequate.	The onus is on the master to prove and record that every effort has been made to inform the port and rectify the situation before the ship left the port. This should be checked by the inspector. A complaint should also have been made by the ship to the port and the competent authority of the port State.
<p><u>Relevant to all points 1 to 6:</u> According to article 11, ships which have not complied with the advanced notification requirements and ships for which the examination of the information provided by the master has revealed grounds to believe that the ship does not comply with the PRF Directive should be targeted with an in inspection to verify compliance with (delivery requirements of) articles 7 and 10.</p>		

In case that the ship has indicated its intention to deliver some or no waste the following should apply

<p>1.</p>	<p>In case of a ship indicating a wish to deliver only some or no waste:</p>	<ol style="list-style-type: none"> 1. that ship has sufficient dedicated on-board capacity to store all waste generated between advanced notification and the next port at which waste will be delivered, and 2. the port of delivery is known (filled in under point 9 of the advanced notification form) and has adequate PRF available and there are reasons to believe that the upstream waste management is environmentally sound in that port; 3. there is no apparent risk that the waste will be discharged at sea. <p>The following information provided in point 9 of the advanced notification form should be used, considering:</p> <ul style="list-style-type: none"> - maximum dedicated storage capacity; - type and amount of waste remaining on board; - port at which the remaining waste would be delivered; and, - estimated amounts of waste to be generated;
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Annex 4 to Part 1:
Sources of Information that may be helpful in a PRF Inspection.

A list presenting more information / sources for decision-making on the application of mandatory delivery or exceptions under Article 7 of the PRF Directive can be found below:

Type of information	Availability of information (document)	Relevant for which types of waste (MARPOL) Annexes
Main engine power	Machinery Installation Certificate	I
Maximum dedicated storage capacity of sludge/bilge	IOPP Certificate, Annex II + IMO Circ. 644-Ref.1	I
The location of the sludge and oily bilge water tanks on board	IOPP Certificate	I
Number of crew on board	FAL form 5	IV, V
Number of passengers on board	FAL form 6	IV, V
Information on on-board waste management equipment (incinerators, boilers, compactors, sewage treatment plants...)	IOPP, ISPP & IAPP Certificates, Garbage Management Plan	All
Ship being on 'scheduled and regular traffic'	Public timetables, confirmations, monitoring results	I, IV, V
Granted exemptions	Exemption certificates, information from other ports / authorities	I, IV, V
Direct arrangements for the use of PRF	Contracts	I, IV, V
Proof of direct arrangements for the use of PRF being used	Receipts, invoices etc.	I, IV, V
Availability of PRF in the next port of intended delivery	GISIS, port and terminal websites, WRH Plans (if available), delivery contracts, previous delivery receipts, info from the port / port State	All
Details (port, date) of the last inspection for compliance	Info hardly available cross-border, but a copy of the	All

with the Directive	inspection report may be available on board	
Existing infringements of compliance with MARPOL	Paris MOU's THETIS database	All
Information on the <u>last</u> waste delivery to PRF	Annex II + IMO Circ. 644-Rev.1	All
Information on completed recent waste incinerations and use of other waste management equipment (e.g. boilers, compactors) on board	Oil Record Book, Garbage Record Book, ship's log	All
Procedures for collecting, storing, processing and disposing of garbage	Garbage Management Plans	V
The use of the waste management equipment on board	Procedures for the use of the waste management equipment on board	I, (IV), V
Status (Special or not) of the transited sea areas (after the last port of delivery)	Ship's log, MARPOL	I,V
Recent authorised allowed discharges into the sea	Ship's log, Oil Record Book, Sewage Record book (if available), Garbage Record Book	All
<u>Recent</u> deliveries of SGW and CR to PRF	Ship's log, Oil Record Book, Sewage Record book (if available), Garbage Record Book	All
The <u>actual</u> quantity of oily waste in the tanks (see also pos. no. 30)	The table(s) providing the quantity of waste in the tanks based on sound measurements	I
Last port of call (EU / non-EU) – relevant in case of e.g. catering waste	Annex II + IMO Circ. 644-Rev.1	V
Status of the sea areas till the next port of delivery (Special Areas or not)	Annex II + IMO Circ. 644-Rev.1, Owner's orders, MARPOL	I, V
Possibility for authorised (allowed) waste discharges into the sea until the next port of delivery	MARPOL	All

Part 2: Guidance on the implementation of Article 9: "Granting of Exemptions"

Article 9

- 1. When ships are engaged in scheduled traffic with frequent and regular port calls and there is sufficient evidence of an arrangement to ensure the delivery of ship-generated waste and payment of fees in a port along the ship's route, Member States of the ports involved may exempt these ships from the obligations in Article 6, Article 7(1) and Article 8.*
- 2. Member States shall inform the Commission of exemptions granted in accordance with paragraph 1 on a regular basis, at least once a year."*

1.0 Introduction

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

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

Exemptions should only be granted on the condition that the Member State is satisfied that the ship takes care of its SGW management along its regular route. However, the eligibility criteria for exemptions have not been clearly defined at the EU level, thus it has been left to the discretion of competent authorities in each MS to further outline some of the key concepts. Therefore, there is a clear need for guidance on the application of article 9. In particular, this guidance addresses the following issues:

- the applicability of Article 9;
- general exemption principles;
- the definition of the terms '*scheduled*', '*frequent*', and '*regular*';
- the definition of '*sufficient evidence*' to be provided with the exemption application;
- the duration of the exemption and validity terms;
- the assessment of an exemption application;
- information sharing and reporting; and
- the monitoring of the exemptions.

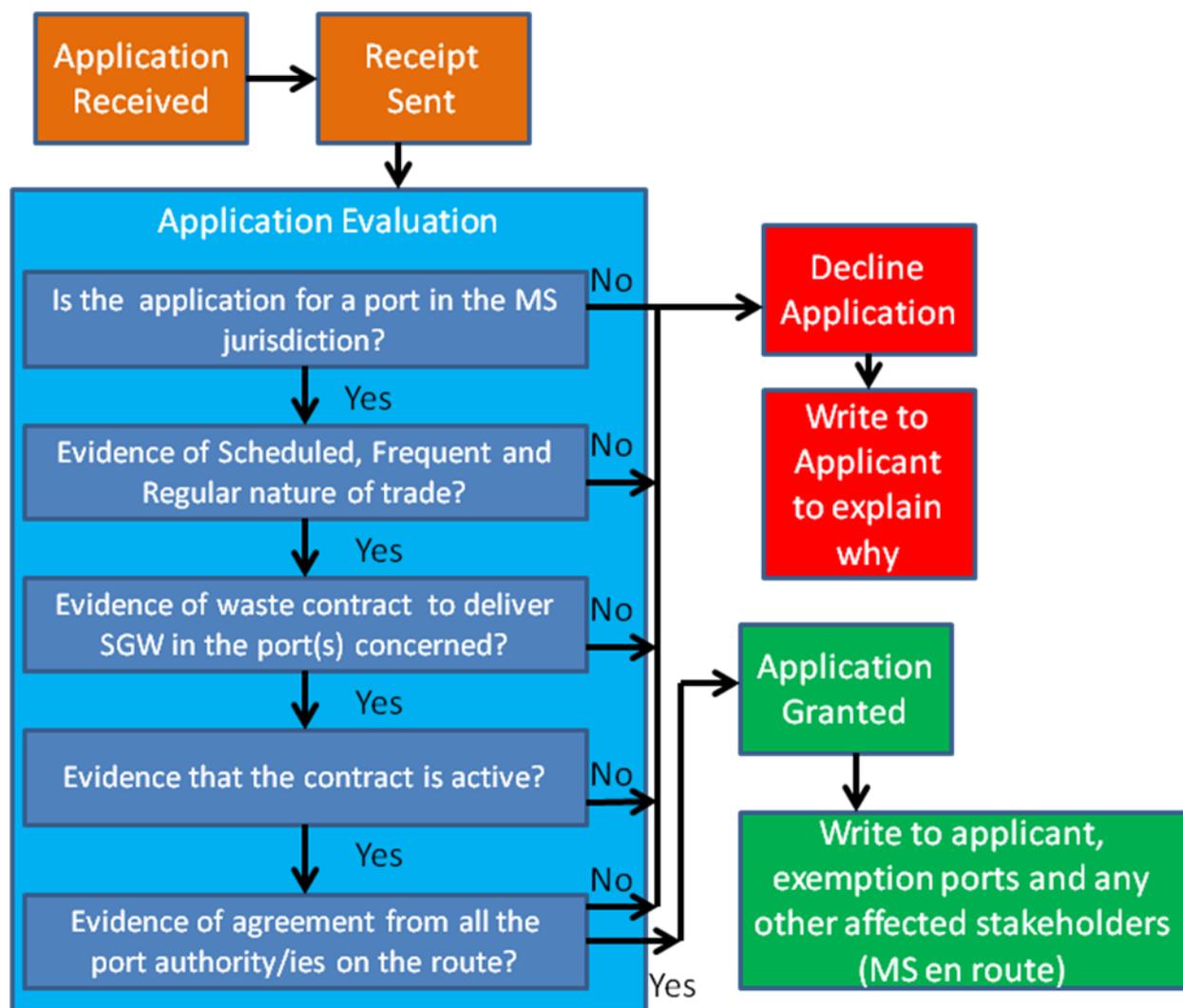
2.0 Applicability

2.1 Exemptions - general

Any ship that meets the definitions in Section 2.2 below, and whose owners/managers can provide sufficient evidence, as defined in Section 2.3, should

be eligible for an exemption. Usually this will be for ships operating between two ports within the EU, with the exemption applying for one of the ports on the route. Ships should apply for an exemption to the MS within which the port lies and the MS can only give exemptions for ports under their jurisdiction. Ships travelling between three or more ports can be given an exemption under the PRF Directive for more than one port so long as they notify, deliver and pay the mandatory fee for their waste and are not exempt in at least one port on their route, and provide sufficient evidence on their scheduled, frequent and regular nature of their trade within the EU. It is not possible to give exemptions to ships using ports operating outside the EU, as many of the ships will have trade patterns that do not fit the definitions in Section 3.2, exemptions cannot be given for ports in third countries and-in principle- SGW should be delivered at PRF located in EU ports.

2.2 General exemption methodology



2.3 Definition of the terms 'scheduled', 'frequent', and 'regular'

The phrase ***scheduled traffic with frequent and regular port calls*** used in article 9 has not been further defined and/or explained in the PRF Directive. Taking into account the overall purpose and operation of the Directive, as well as existing best practice in EU Member States, these terms should be defined as follows¹⁸:

- ***Scheduled***: *The vessel in question must have a published or planned list of times of departures and arrivals, between nominated ports or terminals, or have recurrent¹⁹ crossings that constitute a recognizable schedule. 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 at least 4 months to include seasonal sailings.*
- ***Regular***: *The vessels must operate on repeated journeys between those nominated ports or terminal and no others, or undertake a series of voyages from and to the same port without intermediate calls;*
- ***Frequent***: *The vessel must visit the port for which the exemption applies and the port at which they discharge their SGW at least once a fortnight.*

2.4. 'Sufficient evidence'

Article 9.1 of the PRF Directive stipulates as a pre-condition to an exemption that *'there is sufficient evidence of an arrangement to ensure the delivery of ship-generated waste and payment of fees in a port along the ship's route'*.

The following evidence when presented by the operator of the ship should be considered as sufficient evidence²⁰:

- evidence of the scheduled, regular and frequent nature of the trade of the vessel as per the definitions in section 3.3. This includes, but is not limited to: timetables, advertised schedules and/or declarations of sailing times, ship's logs and receipt for port/harbour dues;
- evidence of a signed contract, or contracts, covering each type of SGW with a port or with a registered waste contractor to which the SGW is to be delivered, along with the frequency of which the waste will be delivered to these facilities;
- receipts and other proof that the contract or arrangement is active;
- evidence that these arrangements are acceptable to the port receiving the SGW, the port(s) for which the exemption is being applied for and other ports on the route; and
- evidence of waste management practice on board of the ship (e.g. copies of Garbage Record Book, Oil Record Book, Garbage Management Plan, waste capacities etc.).

An example of an exemption application form can be found in Annex 1

¹⁸ Definitions come from merging the definitions used presently by the UK and the HELCOM Countries

¹⁹ Recurrent refers to shuttle or "turn up and go" service type of journeys on very short routes

²⁰ UK Marine Guidance Note MGN 259: Exemptions to the Port Reception Facilities

2.5 Other Criteria

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

- cover all the three relevant requirements to ships (advanced notification, delivery and payment of fees) for all types of SGW²¹;
- be granted to a ship for all ports it visits (subject to the jurisdiction of the MS concerned), except for the one where the ship delivers its waste. Exemptions should not be granted to ships operating to and from the same port or terminal.
- have a duration of 5 years, or for as long as the validity of the waste management contract underlying the exemption, whichever is the lesser, unless there is specific reason for restricting the validity of the exemption certificate. In some cases the validity of certificates can be aligned with other certificates for that ship, in order to reduce the administrative burden on the ship and the Administration. Exemptions can also be given to ships in seasonal traffic, provided that the ship meets the conditions of *scheduled traffic with frequent and regular port calls*, and the other relevant requirements;
- only be granted to the ship having submitted the application. However, allowances should be made for temporarily applying the exemption to another ship during essential maintenance periods. During this period the ship undergoing maintenance will have to notify in advance, deliver and pay the fee for their SGW in any port it visits. Any exemption does not apply to ships switched onto a route to temporarily increase the capacity of the route;
- allow deviations in case of an emergency, maintenance, for safety reasons (incl. extreme and/or unfavourable weather conditions), participation in search and rescue and carrying out exercises and drills at sea, incidents / accidents and other cases of *force majeure*; and,
- be kept on board the ship at all times and, along with other exemptions granted by the MS.

Guidance on how to set up a system to assess an exemption application can be found in Annex 2 and a model evaluation procedure for an exemption can be found in Annex 3.

3.0 Exchange of information: application and granting the exemption

The information provided in the context of an application for an exemption is covered in section 2.3.

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

²¹ All three requirements are included for ease of Administration.

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

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

Member States shall inform the Commission of exemptions granted in accordance with paragraph 1 on a regular basis, at least once a year (see Article 9(2) PRF Directive). This can be done either in written format or – preferably - through reporting in SafeSeaNet.

A model exemption certificate can be found in Annex 3.

4.0 Enforcement

Member States should:

- maintain and keep an up-to-date record of the granted exemptions²²;
- ensure that any exempted ship may be subject to an inspection (as required in Article 11.1) on a regular basis, at least once per year, to verify that they follow the waste delivery arrangements that the exemption is based on. Particular attention should be given to ships which have been exempted in other MS ports along their route to verify that these vessels fulfil their SGW delivery obligation and to deviations from the exemption;
- consider the results of such monitoring and enforcement activities when deciding on the prolongation or early termination of the granted exemption.

**Annex 1 to Part 2:
Port Waste Exemption Application Form**

PORT WASTE EXEMPTION APPLICATION FORM

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

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

Note: Applications are for exemption from all three elements of the PRF Directive (the requirement to notify in accordance with article 6, to deliver the SGW in accordance with article 7, and to pay the mandatory fee in accordance with article 8) it is not possible to issue exemptions from one or two of the elements.

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

SHIP DETAILS			
Name of Vessel			
IMO Number			
Official Number			
Flag state and Port of Registry			
Owner/ operator of vessel (with address)			
Gross tonnage			
Vessel type	Oil tanker/ Chemical tanker, Ferry, Cruise ship, Cargo ship, Bulk carrier, Other (please delete as appropriate)		
Approximate		<i>Vol produced</i>	<i>Capacity</i>

amount of waste produced on vessel (per annum) and storage capacity (m ³) on the vessel for these wastes.	Garbage		
	Oil		
	Hazardous Waste		
	Food Waste		
	Others (please state)		
PORT DETAILS			
Name of Port(s) that the Exemption is being applied for			
Contact point/Agent for the vessel at that port (including name, address and telephone number)			
Route covered by the vessel - please list all ports on route			
Is this a Scheduled, Frequent and Regular Route? Please provide evidence			
Does the vessel deviate from this route at any time? If yes please state why			
Has an Exemption been applied for, granted or refused for any other Port on this route? If so when and where?			

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

- 1) Evidence of the scheduled traffic with frequent and regular port calls of the vessel, and if there is a third or fourth port involved evidence of exemptions (or exemption application) for the ports in question;
- 2) Evidence of a contract with the port/company to which the waste is to be delivered
- 3) Receipts and other proof that this contract/arrangement is active;
- 4) Evidence that these arrangements are acceptable to all the ports on the scheduled route as well as the receiving port in which the ship generated waste is being delivered;

DECLARATION
I confirm that the information in this completed form is correct
SIGNATURE _____ DATE _____

Annex 2 to Part 2:
Guidance on systematic assessment of an exemption application

Member States should:

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

Annex 3 to Part 2:

A model evaluation form for an exemption application

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

Ship:

Application Reference:

Date:

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

**Annex 4 to Part 2:
A Model Exemption Certificate**

**CERTIFICATE OF EXEMPTION UNDER ARTICLE 9 OF THE
DIRECTIVE 2000/59/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 27
NOVEMBER 2000 ON PORT RECEPTION FACILITIES FOR SHIP-GENERATED WASTE AND
CARGO RESIDUES
FOR THE REQUIREMENTS TO
NOTIFY IN ACCORDANCE WITH ARTICLE 6,
TO DELIVER THE SGW IN ACCORDANCE WITH ARTICLE 7,
AND TO PAY THE MANDATORY FEE IN ACCORDANCE WITH ARTICLE 8) AT THE
PORT[S] OF [INSERT PORT] IN [INSERT COUNTRY]**

Name of vessel Distinctive number or letters IMO Number Flag State

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

and calls at these ports at least once a fortnight:

and has made an agreement on delivery of waste with the port or a third party at the port of:

and is thus exempted, in accordance with [INSERT RELEVANT ARTICLE INATIONAL LEGISLATION OF THE COUNTRY], from the requirements on mandatory delivery of waste and cargo residues and notification of waste at the following ports.. According to [INSERT RELEVANT ARTICLE INATIONAL LEGISLATION OF THE COUNTRY] of the said Act the vessel is also to be exempted from paying the mandatory fee related to the reception of waste at the above ports.

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

This certificate is valid until unless the grounds for issuing the certificate are changed before that date.

Place and Date

.....
Name
Title

Official Stamp

Part 3: Guidance on the implementation of Article 5: the development, approval, monitoring and implementation of Waste Reception and Handling Plans

Article 5

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

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

ANNEX 1

REQUIREMENTS FOR WASTE RECEPTION AND HANDLING PLANS IN PORTS

(as referred to in Article 5)

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

- 1. an assessment of the need for port reception facilities, in light of the need of the ships normally visiting the port;*
- 2. a description of the type and capacity of port reception facilities;*
- 3. a detailed description of the procedures for the reception and collection of ship-generated waste and cargo residues;*
- 4. description of the charging system;*
- 5. procedures for reporting alleged inadequacies of port reception facilities;*
- 6. procedures for ongoing consultations with port users, waste contractors, terminal operators and other interested parties;*
- 7. type and quantities of ship-generated waste and cargo residues received and handled;*
- 8. a summary of relevant legislation and formalities for delivery;*

9. *identification of a person or persons to be responsible for the implementation of the plan;*
10. *a description of the pre-treatment equipment and processes in the port, if any;*
11. *a description of methods of recording actual use of the port reception facilities;*
12. *a description of methods of recording amounts of ship-generated waste and cargo residues received; and*
13. *a description of how the ship-generated waste and cargo residues are disposed of.*

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

1.0 Introduction

The purpose of the guidelines in Part 3 is to provide specific guidance to harmonise the development, implementation, approval and monitoring of the WRH Plans being developed in the EU. Although there is international guidance developed by the IMO²³ and International Organization of Standards (ISO)²⁴ on Port Waste Planning, these do not address the specific requirements of the PRF Directive on notification, payment of fees and the delivery of SGW and CR.

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

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

- providing guidance for a MS on the administrative set up needed to back up the development of WRH Plans;
- developing specific guidance on which ports should have a WRH Plan;
- providing guidance on what development and implementation measures should be reflected in a WRH Plan;
- developing specific guidance on how a WRH Plan should be assessed and approved; and,
- developing guidance on how a MS should monitor implementation of a WRH Plan.

²³ IMO MEPC.1/Circ.671 - Guide to good practice for port reception facility providers and users

²⁴ ISO 16304:2013 – Arrangement and management of port reception facilities

2.0 Applicability and coverage

2.1. Waste reception and handling plan - general

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

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

2.2 Ports that should have a WRH Plan

Currently, there are many formats and types of WRH Plans. As the Directive does not define who should be creating a WRH Plan, these plans could therefore cover:

- one individual jetty;
- an individual terminal;
- one small port;
- numerous facilities in a port (terminals, jetties, berths);
- part, or all, of a major commercial port; or,

The MS should ensure that:

- a WRH Plan is produced for all ports where:
 - any vessel loads or discharges cargo;
 - there is a base for passenger vessel operations;
 - there is a base for commercial fishing operations (fishing vessels do not have to notify their waste, however they still have to land their waste and pay for it to be disposed of);
 - there are commercial marinas;
 - there is an operational base for vessels servicing the offshore industries; or,
 - there are fish farm jetties where fish carriers and feed carriers berth; and,
- a WRH Plan is produced for marinas and sailing clubs from which yachts/recreational vessels may go to sea for more than a day and so are likely to generate waste, and which charge a mooring or berthing fee;

Where there is more than one independent terminal facility in a port, all parties are content with the scope of the WRH Plan being developed. One plan can be developed covering all facilities in the port, or some of the facilities can be covered in one plan, with separate individual WRH plans covering the other facilities.

Where a regional plan is developed covering more than one port, the involvement of each port should be proportional to its trade, and the need for, and provision of, adequate PRF is specified for each individual port.

Generally a WRH Plan will not be needed if a facility is outside a commercial port or marina and is only used by vessels in the following categories, provided that the waste collection arrangements of the property or area in question are covered by the landside waste laws and/or communal waste management services²⁵:

- piers / moorings / landing places for small pleasure craft linked to private coastal properties;
- where pleasure craft are not usually left on site overnight;
- recreational craft that are only used during the day and 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 a port authority;
- fishing vessels that are hauled onto coast / beaches; and
- fish farms where the majority of waste is generated by onshore facilities.

The provision of PRF may be limited if the port is in an environmentally sensitive site or near a politically sensitive location. Therefore, PRF may not be able to be provided for environmental or security reasons. In such cases WRH Plans should still be developed, but the ships visiting these ports should be required to deliver any waste at their next port of call.

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

2.3 Elements that should be included in a WRH Plan

A WRH Plan requires a wide range of issues to be addressed, including those that contribute to the development of the PRF system and the implementation of the Plan.

In particular, all WRH Plans should address:

- planning for the provision of PRF facilities;
- assessment of the need for and provision of the PRF;
- the implementation of waste management practices; and,
- the applicable charging system; and,
- the process of approving and monitoring the WRH plan.

The table in Annex 1 provides guidance on which elements should be included in a WRH Plan.

²⁵ MCA "Port Waste Management Planning – A Guide to Good Practice" 2003

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

3.0 Administrative set up

Member States should have the necessary administrative resources to assess and approve the WRH plans submitted to them, in accordance with the requirements of Annex I of the PRF Directive. Guidance on the administrative set up needed to back up the development of WRH Plans can be found in Annex 2.

4.0 Assessment and Monitoring

4.1 Assessing the WRH Plan

The competent officials assessing and approving the WRH Plans should:

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

If any of these points have not been adequately addressed, then the WRH Plan should not be accepted, and the problems/reasons should be explained to the port in order for them to rectify the outstanding issues immediately. A port visit may be necessary to see how the WRH Plan is being implemented.

When the Plan Assessor is satisfied that the WRH Plan fulfils the requirements of the PRF Directive then it should be approved and the port should be notified without delay. A relevant certification or approval document should also be sent directly to the port.

The PRF Plans should be approved for three years.

4.2 Review and Re-assessment of the WRH Plan

Ports should:

- review and update their WRH Plans annually to include changes in any mandatory fee levels, changes in contact information or changes in the PRF provision;
- undertake a major review of their WRH Plans for re-approval every three years; and,

- review and re-approve their PRF Plans within six months of any significant change in the port operations, such as a significant increase or decrease in the number or type of ships, the development of a new terminal or jetty, a change in the provision of PRF or the inclusion of a new waste stream.

4.3 Monitoring of Waste Reception and Handling Plans

Monitoring the operation of PRF Plans should be an ongoing process for the MS competent authorities:

- An ad hoc inspection should take place for each plan, at least once in three years, to ensure the waste management of the port is operating properly. This could take place when PRF Inspectors are in the port inspecting ships for compliance with the PRF Directive, or when inspecting ports for compliance with land based waste management legislation; and,
- Inspections should be more frequent if regular complaints have been received at the national level about the inadequacies of PRF in any particular port.

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

4.4 Assessment of adequacy and reporting inadequate PRF

During the review of the WRH Plans, the MS has to assess the adequacy of the PRF Facilities and systems have to be set up for the users of the PRF to report inadequacies in PRF Facilities. ***[Further Guidance on this issue needs to be developed after collection of best practice in the provision of adequate PRF in the ports, reporting and in assessment by the MS].***

Annex 1 to Part 3:
Guidance on issues that should be included in a WRH plan

Note:

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

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

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

C). Waste management including:

(ref. Annex I, points:

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

Key issues for all ports

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

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

A review of the location of PRF in the port, including a map / scheme of these facilities (if appropriate).
Detailed description of the final destination of SGW and CR removed from the port.
Detailed information on how all vessels use and/or obtain access to the facilities as appropriate, especially if they are time dependant or the vessel is on a berth or mooring away from the shore.
Detailed information on how to report facilities that are full and how alternative PRF are provided to users.
A system to appropriately examine the advanced notification forms for the purposes of PRF provision, and consequently, the delivery of SGW.
A system to provide waste receipts (waste handling notes) to the vessel from the port or PRF provider, as appropriate, and to monitor the actual use of PRF.
Measures to receive the SGW on the user-pays basis from vessels that do not have to apply the Directive, to ensure they manage their wastes in a manner consistent with the PRF Directive.
Measures related to fishing vessels and recreational craft authorised to carry no more than 12 passengers: these vessels should still deliver their waste and pay a fee for it to be received and disposed of.
A procedure for reporting and alleviating alleged inadequacies of PRF to the port and reporting any outstanding inadequacies to the National Competent Authority.
A procedure for reacting to alleged inadequacies of PRF.
Performance standards for waste management in the port so the efficiency of the system can be measured. (e.g. number of times the PRF will be emptied a week, time taken to provide PRF to a vessel).
A review of the volume of waste likely to be encountered based on previous waste receipts/advanced notification forms over the last three years. This should be used to identify the total amount and type of waste to be received and the peak needs / times of PRF use.
Detailed descriptions of how the developed PRF systems are adequate as they: <ul style="list-style-type: none"> - do not cause undue delay to ships; - do not cause disincentives to land SGW in the port's PRF; - are appropriate to meet the peak needs/times in normal use of the port; - are convenient for both the users and the PRF providers (e.g. good access (if appropriate)); - do not hinder other port/terminal operations; - do not impact adversely on the local community; - are clearly identified; - are safe to use and well lit; and, - do not contaminate the port, the local shoreline, the water table or waters in the port.
<i>Issues for larger ports only</i>
An analysis of how the expected waste streams should be collected, recovered and disposed of in an environmentally friendly manner, [including waste segregation, reuse, recycling, treatment and disposal].

An analysis of the PRF needed, considering the identified peak demand of SGW and CR expected in normal operations of the port, their appropriateness for the port in question and the ships normally visiting the port. For example, collection by a dedicated barge may be more efficient in a larger port with limited shore side access than collection by road or using static facilities.

Measures to avoid contamination of the surrounding environment, especially from oily waste, food wastes or runoff and collection from these wastes.

A list of licensed PRF providers/waste contractors authorised to operate in the port.

D). Advanced Waste Notification and Receipts:

(ref. Annex I, point 7: type and quantities of ship-generated waste and cargo residues received and handled)

Key issues for all ports

A system that receives and uses the advanced notification forms from all ships using port, except for those that are exempted under the Directive under Article 9, ships that do not have to legally apply the Directive, or do not have to notify as specified in Article 6 (fishing vessels or recreational craft authorised to carry no more than 12 passengers).

A process to act upon any unusual requests for PRF.

A system to identify vessels that have not notified and/or are keeping waste on-board for landing elsewhere

A system to recognise any ship exempted from advanced notification.

The advanced notification forms should be kept for at least a year by the port.

Waste receipts that have been provided upon delivery and payment

E). Cost recovery system including:

(ref. Annex I, point 4: description of the charging system)

Key issues for all ports

An assessment of the cost of providing the PRF, including defining of the cost elements included, such as planning, provision of PRF, the collection of segregated waste, treatment and the final disposal[/recycling] of the waste, and how the costs should be divided amongst the different user groups of these facilities.

Clear descriptions of the following elements of the fee system:

- general description / characteristics of the fee system;
- A clear explanation and justification of the elements and levying mechanism of the mandatory fee irrespective of whether a ship uses the PRF, as specified in Article 8.2 (significant contribution), especially if it is included in the general port dues;
- what SGW delivery rights the mandatory fee comprises;
- A clear explanation and justification of any differentiation in charges, e.g. by size or type of ship;

<ul style="list-style-type: none"> - any compensation mechanism, if applicable; - the reasons for fee alterations and reductions; - any additional charges, including those for the reception of SGW amounts not included in the general fee; - annual changes to the fees; and - all the valid fee levels relevant to SGW delivery (charged by the port, PRF providers or third parties), or reference to where they are easily available. 	
A mechanism to ensure that a fee is charged to all vessels using the port to cover the costs of PRF.	
The general fee forming the significant contribution covers/exceeds 30% of the total cost of providing the PRF – as suggested in the relevant Declaration issued by the European Commission on the adoption of the PRF Directive ²⁶	
A methodology for invoicing/providing a receipt for the payment of the mandatory fee/waste receipt.	
F). Consultation including: <i>(ref. Annex I, point 6: procedures for ongoing consultations with port users, waste contractors, terminal operators and other interested parties);</i>	
<i>Key issues for all ports</i>	
Evidence that the following stakeholders have been consulted with and all reasonable concerns have been addressed.	Operating contractors (if applicable).
	Ships using the port, including those exempted from part of, or the entire Directive.
	The ships' agents.
	The local licensed waste contractors, including those handling and disposing of oil and sewage.
And if appropriate	
	Waste PRF providers.
	Waste transfer providers.
	Other relevant Government Authorities (e.g. environmental, waste, port health etc. (as applicable)).
	The companies located in the port, if they are included in the PRF Plan.
	Independent terminals or jetties within the scope of the PRF plan.
	The relevant PRF Approval Authority.
	Others, as appropriate.
Evidence that the views of the stakeholders have been considered, addressed	

²⁶ OJ L 168, 10.7.1993, p. 1.

and acted upon (if appropriate).
Evidence that an ongoing consultation process is in place.
G). Information
<i>Key issues for all ports</i>
Information on the PRF and the fee structure is effectively provided to the users of the port, and is easily available to new or occasional users.
H). Audit and Review including: <i>(ref. Annex I, point 11: a description of methods of recording actual use of the port reception facilities);</i>
<i>Key issues for all ports</i>
A methodology for regular internal auditing and reviewing the WRH Plan.
A limited review should be undertaken annually for large ports or every three years for other ports to include changes e.g. in any fee, changes in contact information or changes in the PRF provision. The revised WRH Plan should be resubmitted to the appropriate authorities for comment and information.
Additionally, a major review should be undertaken: <ul style="list-style-type: none"> - towards the end of the three-year validity of the WRH Plan; or - after significant changes in the operation of the port or the PRF. In the latter case the WRH Plan should be reviewed and re-approved within six months of a major change. Examples of a significant change in the operation of the port include: <ul style="list-style-type: none"> - a significant increase or decrease in the number or type of calling ships; - the development of a new terminal or jetty; - a change in the provision of PRF; or - the inclusion of a new waste stream.
I) Enforcement measures including:
<i>Key issues for all ports</i>
Appropriate sanctions/penalties and enforcement measures that have been developed in conjunction with the appropriate authorities and communicated to the users of the port.

Further guidance on developing a PRF Plan can be found in

- ISO 16304; and
- IMO MEPC.1/Circ.671 - Guide to good practice for port reception facility providers and users

**Annex 2 to Part 3:
Guidance on the administrative set up needed to back up the
development of WRH Plans**

Member States should:

- identify the authority that will assess the WRH Plan (this could be the Maritime Authority, the Environment Authority, the Waste Authority or any other authority with the expertise to undertake this work, or a combination of several authorities);
- identify a person or section within the competent authority to assess the WRH Plans that are submitted for approval. The officials approving the plan should be well acquainted with the PRF Directive, the relevant procedures, general port operations and the port making the application;
- identify how the plan should be submitted and any charges to be levied for approving the PRF Plan, if relevant;
- inform the ports under their jurisdiction of the need to develop an appropriate WRH Plan, which includes:
 - **adequate** facilities for the reception of waste, where “adequate” means that the facilities are capable of receiving the types and quantities of prescribed wastes from ships normally using the port, taking into account the operational needs of the users, the types of ships using the port, the size of the port and the geographical location of the port;
 - a procedure of dealing with advance waste notifications received from ships, using the prescribed notification form in the PRF Directive (Annex II);
 - a mandatory waste fee to all ships using the port, irrespective of whether they use the facilities or not; and
 - collection of relevant information, e.g. on port calls, delivered waste types and amounts, exempted vessels, to be used in the development and monitoring of WRH Plans (incl. the mandatory fee system, to ensure that the PRF costs are covered by the users).
- clearly communicate the address to be used for submission of the plan to all ports in their jurisdiction, as well as the timescale in which the WRH Plans should be developed;
- clearly identify and communicate the fees required for assessing and approving the WRH plan to all ports, if relevant;
- provide a receipt when the WRH plan is submitted;
- review the WRH Plan within 30 days of receipt; and,
- provide training and guidance for the personnel undertaking the assessment and approval of the WRH Plan.

Annex 3 to Part 3:
Checklist for the inspection of WRH Plans by the MS

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

been considered, addressed and if needed acted upon.		
The users consulted are content with the plan and all reasonable concerns have been addressed.		
The ongoing consultation process for the WRH Plan is functioning and the method is included.		
There is a procedure to review and update the WRH Plan.		
Capacity of PRF		
There is a methodology in the WRH Plan that analyses the SGW flows through the port in relation to the traffic of ships normally using the port.		
Historical data has been collected to be used to appraise the adequacy of PRF and to set the mandatory fee for the landing of waste. This should include data from waste receipts on actual deliveries, or, as a minimum, data from the mandatory notification form (when these values are not available then they should be estimated and justified accordingly).		
This information has been used to identify the capacity of PRF in the port for all waste types (different garbage incl. food wastes, oil, sewage, hazardous waste and cargo residues), to determine the type and size of the PRF that is needed and to design the waste management process.		
Delivery and Disposal of SGW		
The type and capacity of PRF provided is sufficient to meet the amount of SGW expected to be landed during the peak needs /times (the busiest period of the port from ships normally using the port, taking into account any expected change of traffic (by volume or ship type).		
The PRF provided are easy to use, and their use <ul style="list-style-type: none"> • does not cause undue delay to ships; • does not cause disincentives to deliver SGW in the port; • fulfil the needs of the stakeholders; • are convenient for users, contractors and vehicles; • does not hinder other port/terminal operations; • does not impact adversely on the local community; • are clearly identified; • are safe, with well-lit PRF; and • do not contaminate the port's shoreline, the water table or waters in the port. 		
A map of the PRF facilities is included in the WRH plan (if		

appropriate).		
Detailed information is provided on how a vessel accesses the PRF, especially if they are time dependant.		
Detailed information is provided on how waste will be collected from the PRF, stored, treated, [transported] and disposed of in an environmentally friendly, sound and safe way, [including reduction, re-use, recycling, composting and energy recovery], as appropriate; .cf. Directive 2008/98/EC (Waste Framework Directive)		
The disposal, transport and storage of food waste originating from vessels trading outside the EU conforms with the relevant EU waste legislation.		
The disposal, transport and storage of hazardous (special) waste conform to relevant waste EU Legislation.		
Detailed information is provided on how often any static facilities will be emptied.		
A method exists for reporting facilities that are full to the PRF managers/providers.		
A method exists for providing alternative PRF to users when the existing PRF is full.		
[The PRF provide for the collection of segregated garbage from ships and facilitate reuse/recycling opportunities]		
The PRF are designed so that contamination of the surrounding environment is avoided, especially from oily waste, food waste or runoff and collection of these wastes.		
[Adequate signage has been designed and be placed around the port.]		
A methodology exists for providing a receipt for the waste		
Cost of the PRF and the Charging Regime		
A method of charging a mandatory fee (significant contribution to the costs of PRF) for the use of the PRF irrespective of whether it is used exists.		
There is a methodology in the WRH Plan that explains how the mandatory fee has been calculated and is adjusted.		
An explanation is included of any differentiation in charges by size or type of ship.		
A clear explanation is included of what is covered by the mandatory charge.		
If the WRH Plan includes volume thresholds of the amount of waste or the type of waste that can be delivered to the PRF, then the charges for delivering additional waste need to be published and be made easily available to the user. This		

should include direct charges levied by external contractors.		
The fee covers/exceeds 30% of the cost of providing the facilities (as per the separate Declaration from the European Commission made after the adoption of the PRF Directive).		
The WRH Plan explains how the fee should be paid.		

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

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

Issue to be checked during a site visit	Pass	Fail	Comments
The existing practices for waste handling follows the submitted WRH Plan			
No changes have been made to the WRH Plan after its submission for approval.			
If changes have been made to the WRH Plan after its submission for approval: <ul style="list-style-type: none"> - they have been recorded in the WRH Plan - the stakeholders have been informed/consulted, with no negative feedback received; - these changes are acceptable from the point of view of the assessment by the competent authority/ies. 			
The location of the facilities matches that proposed in the WRH Plan.			
The list of approved/authorised waste handlers in the WRH Plan is up-to-date.			
Contact details for the port and the waste contractors are up to date.			
Signage for waste management in the port is obvious and correct.			
All information on the WRH Plan required by Annex I of the PRF Directive, including on the port's waste management system, is being provided to users.			
[Facilities are provided for segregation of waste (if appropriate).]			

[Facilities are provided for recycling of waste (if appropriate)].			
The plan appears effective: in this case the port/PRF users could be questioned to see how they perceive the measures in place to receive their waste.			
The notifications are kept by the port [at least a year] (if appropriate).			
Information on the following is recorded by the port	SGW that has been kept on board the vessel.		
	Quantities of SGW delivered by each vessel.		
	Use of the PRF.		
	Copies of waste receipts/consignment notes issued to the ship or port.		
	The income from waste fees		
	The PRF costs		
	Complaints.		
The local complaints procedure to rectify problems is in place and users are aware of this system			
Problems reported to the port have been rectified quickly.			
Ongoing consultation is taking place.			
The facilities are clean, tidy and not contaminating the surrounding environment.			
Internal operational standards for the implementation of the WRH Plan have been set and met.			