



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်အစိုးရ
ပို့ဆောင်ရေးနှင့်ဆက်သွယ်ရေးဝန်ကြီးဌာန
ရေကြောင်းပို့ဆောင်ရေးညွှန်ကြားမှုဦးစီးဌာန

အမှတ်၊ ၃၆၃/၄၂၊ ကုန်သည်လမ်းနှင့် သိမ်ဖြူလမ်းထောင့်၊ ဗိုတတထောင်မြို့နယ်၊ ရန်ကုန်မြို့။

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ညွှန်ကြားချက် (၅ / ၂၀၁၇)

အကြောင်းအရာ။ Port Reception Facilities ထားရှိရေးဆိုင်ရာ ညွှန်ကြားချက်

၁။ ပို့ဆောင်ရေးနှင့်ဆက်သွယ်ရေးဝန်ကြီးဌာန၊ ရေကြောင်းပို့ဆောင်ရေးညွှန်ကြားမှုဦးစီးဌာန သည် မြန်မာနိုင်ငံကုန်သည် သင်္ဘောအက်ဥပဒေပုဒ်မ ၂၉၄၊ ပုဒ်မခွဲ (ခ) အရ အပ်နှံထားသော လုပ်ပိုင်ခွင့်ကို ကျင့်သုံး၍ ဤညွှန်ကြားချက်ကိုထုတ်ပြန်လိုက်သည်။

၂။ မြန်မာ့ရေပြင်ပိုင်နက်အတွင်းနှင့် ကမ်းလွန်ရေတိမ်ပိုင်းရှိ ဆိပ်ကမ်းများတွင် လုပ်ကိုင် ဆောင်ရွက်နေသူများအား သင်္ဘောများမှ စွန့်ပစ်သည့် ဘေးအန္တရာယ်ရှိ အရာဝတ္ထုများနှင့် ပတ်သက်၍ Port Reception Facilities ထားရှိရန် အတွက် ပူးတွဲဖော်ပြပါ ရေကြောင်း ပို့ဆောင်ရေးညွှန်ကြားမှုဦးစီးဌာန၏ သတ်မှတ်ထားသည့် ညွှန်ကြားချက်များအတိုင်း လိုက်နာ ဆောင်ရွက်သွားရမည်ဖြစ်သည်။

မောင်မောင်ဦး

ညွှန်ကြားရေးမှူးချုပ်

ဖြန့်ဝေခြင်း

ဆိပ်ကမ်းများအားလုံး



Republic of the Union of Myanmar
Ministry of Transport and Communications
Department of Marine Administration

PORT RECEPTION FACILITIES

Directive 5/2017

1 March 2017

PORT RECEPTION FACILITIES IN MYANMAR

Policy

1. Any port or terminal or shipyard shall provide reception facilities within their premises or arrangement with sufficient capacity to receive waste disposal, residues and substances without causing undue delay to ships.
2. The DMA oversees the efficiency and effectiveness of such facilities receiving MARPOL residues/wastes ashore in a manner that protects the environment, with due regard for the health and safety of workers and the general population.

Obligations of Port and Coastal State

3. UNCLOS and MARPOL establish a framework of rights and duties of a *coastal State* that has the right to prohibit polluting discharges from foreign and domestic shipping in the coastal zones. In exercising this right, the coastal State has a duty to ensure the provision of adequate reception facilities for ships' wastes in the ports.
4. Further, as Myanmar is a Party State of MARPOL 73/78, a *port State* has an obligation to ensure the provision of adequate waste reception facilities in the ports. It may be delegated this duty to individual ports or to other public or private bodies, the DMA has the ultimate responsibility for ensuring that their undertaking is fulfilled.
5. Failing to provide adequate reception facilities will be in breach of their MARPOL 73/78 obligations, and make it harder to enforce measures to combat illegal discharges at sea from shipping.
6. It needs to bear in mind that a flag State is required to notify IMO in accordance with MEPC.1/Circ.834 (as appear in Appendix 1), for transmission to the Parties concerned, of any case where facilities are alleged to be inadequate.

Legal requirements

7. Pursuant to Merchant Shipping Act, Section 294(b), this Directive 5/2017 serves to make a provision of general requirements for port reception facilities.
8. As Myanmar is a signatory State of MARPOL Convention, in particular to Annex I, II, III, IV and V, requires reception facilities for five of the six Annexes to the regulations. These are: -
 - Annex I - Oil: in loading ports, ship repair yards, bunkering ports (regulation 38)
 - Annex II - Noxious Liquid Substances (NLS) in bulk: in ports and terminals an adequate reception facility needs to be present for cargo residues resulting from compliance with Annex II and in ship repair ports where repairs to NLS tankers can take place (regulation 18)
 - Annex IV - Sewage: ports and terminals in all areas and in special areas in particular when ports and terminals are used by passenger ships (regulations 12 and 12bis)
 - Annex V - Garbage: all ports handling ships in national and international trade (regulation 8)

Application

9. This Directive applies to port operators in Myanmar, the internal waters of Myanmar, or Myanmar continental waters to provide at that port a reception facility for the reception of harmful substances from ships.
10. Article 11(1) (d) of MARPOL Convention requires the DMA to communicate to the IMO a list of reception facilities in the ports including the location, capacity, available facilities and other characteristics.
11. Further, the DMA is required to upload information on new reception facilities on the Port Reception Facilities Database (GISIS) and to maintain and update the required information continuously.

Enforcement and Compliance

12. Myanmar Port Authority Law also stipulates the provisions to implement, administer and enforce to those who fail to comply with the law and by-law. It also opens to prosecution to any person that who violates any prohibition contained in section 80 shall be, on conviction, punished with imprisonment or with a fine.
13. The DMA takes the ultimate responsibility for ensuring that adequate port waste reception facilities are available to ships calling at ports within the port State's jurisdiction. The DMA ensures the provision of waste reception facilities that are adequate and capable of handling the discharge of wastes from regular port users.

Reception Facilities for Oil (MARPOL Annex I)

General Requirements

14. If the port handles ships with oil or oily mixtures or oily wastes, there shall be adequate reception facilities available at the port without causing undue delay to ships, to receive oily bilge water and other residues.
15. If the port handles ships of 400 gross tonnage or more, there shall be reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, all oil residue (sludge) from oil residue (sludge) tanks from all such ships that may reasonably expect to call at that port.

Requirements for ports of loading oil cargo

(a) Crude oil

16. If crude oil is loaded into oil tankers at the port where such tankers have, immediately prior to arrival, completed a ballast voyage of not more than 72 hours or not more than 1,200 nautical miles, there are reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oil and oily mixtures, from oil tankers on such voyages.

(b) Other than crude oil

17. If oil, other than crude oil in bulk, is loaded at the port at an average quantity of more than 1,000 metric tons per day, there shall be reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oil and oily mixtures

from oil tankers loading such oil.

Requirements for ports of unloading high density oils

18. Any port that receives high density oils must ensure that if oil tankers unload asphalt or other oil products which through their physical properties inhibit effective oil/water separation and monitoring there shall be reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, cargo residues and solvents arising from any cleaning of tanks carrying such products undertaken at that port.

Requirements for ports with ship repair yards and tank cleaning facilities

19. If the port has ship repair yards or tank cleaning facilities there shall be reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oily residues and oily mixtures which remain on board for disposal from ships prior to entering such yards or facilities.

Requirements for dry bulk cargo terminals used by combination carriers

20. If dry bulk cargoes are loaded at the port there shall be reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, oil residues from combination carriers and that those facilities take account, as appropriate, of the fact that combination carriers may carry either oil or dry bulk cargoes.

Reception Facilities for Noxious Liquid Substances (MARPOL Annex II)

Facilities for the reception of noxious liquid substances

21. If ships carrying noxious liquid substances in bulk load and unload cargo at the port, there shall be reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships, all residues and mixtures of noxious liquid substances that remain for disposal from such ships.
22. If repairs to chemical carrier are undertaken at the port, there shall be reception facilities available at the port with sufficient capacity to receive residues and mixtures containing noxious liquid substances from those chemical carriers being repaired at the port.

Unloading Arrangements for Noxious Liquid Substances

23. Any port in Myanmar within the internal waters or EEZ at which noxious liquid substances are unloaded, shall be provided with the arrangements to facilitate stripping of cargo tanks of ships, unloading noxious liquid substances at that port.
24. The port operators in Myanmar within the internal waters or EEZ at which noxious liquid substances are unloaded shall ensure that cargo hoses and piping systems of the port terminal containing noxious liquid substances received from ships unloading these substances are not drained back to the ships.

Reception Facilities for Sewage (MARPOL Annex IV)

Facilities for the reception of sewage

25. If the port handles passenger ships and embark and disembark there shall be reception facilities available at the port with sufficient capacity or arrangements to receive, without

causing undue delay to ships, the sewage that remain for disposal from such ships.

Reception Facilities for Garbage (MARPOL Annex V)

Facilities for the reception of garbage

26. If the port handles ships with garbage, there shall be reception facilities available at the port with sufficient capacity to receive, without causing undue delay to ships.

Guidelines for ensuring the adequacy of Port Reception Facilities (PRF)

27. The DMA may make use of the assessment form appended to the “Guidelines for ensuring the adequacy of port waste reception facilities” in accordance with the IMO Resolution MEPC.83 (44) (as appear in Appendix 2), to conduct regular assessments of waste reception facilities in its ports and advise IMO of the outcome of such assessments, including any inadequacies of port reception facilities, as well as any technical cooperation assistance that may be needed to address those inadequacies.

Standard Format for the Waste Disposal Receipt (WDR)

28. The designated representative of the reception facility provider should provide the waste disposal receipt, which is formatted in accordance with MEPC.1/Circ.834, to the master of a ship that has just delivered waste. Such receipts should be retained on board the vessel along with the appropriate Oil Record Book, Cargo Record Book or Garbage Record Book.

Appendices:

ANNEX A: MEPC.1/Circ.834

CONSOLIDATED GUIDANCE FOR PORT RECEPTION FACILITY
PROVIDERS AND USERS

ANNEX B: Resolution MEPC.83 (44)

GUIDELINES FOR ENSURING THE ADEQUACY OF PORT WASTE
RECEPTION FACILITIES

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MEPC.1/Circ.834
15 April 2014

CONSOLIDATED GUIDANCE FOR PORT RECEPTION FACILITY PROVIDERS AND USERS

1 In view of the need to tackle the long-standing problem of the inadequacy of port reception facilities, the Marine Environment Protection Committee (the Committee), having received valuable input from the Industry Port Reception Facilities Forum, adopted, at its fifty-fifth session (October 2006), the Action Plan on Tackling the Inadequacy of Port Reception Facilities and instructed the Sub-Committee on Flag State Implementation (FSI) to progress the Plan's work items.

2 The Guide to good practice for port reception facility providers and users was developed as one of the work items of the Action Plan as a practical users' guide for ships' crew who seek to deliver MARPOL residues/wastes ashore and for port reception facility providers who seek to provide timely and efficient port reception services to ships.

3 The Committee, at its fifty-ninth session (July 2009), considered and approved the Guide (MEPC.1/Circ.671).

4 The Committee, at its sixty-fifth session (May 2013), agreed to the recommendation made by the FSI Sub-Committee, at its twenty-first session (March 2013), to revise MEPC.1/Circ.671 by means of MEPC.1/Circ.671/Rev.1, containing the necessary consequential amendments following the entry into force of the revised MARPOL Annex V on 1 January 2013, and the designation of the Baltic Sea as a Special Area under MARPOL Annex IV and the designation of the North American and United States Caribbean Sea emission control areas under MARPOL Annex VI.

5 The Committee, at its sixty-sixth session (April 2014), approved the attached Consolidated guidance for port reception facility providers and users, consolidating in a single document the Guide to good practice for port reception facility providers and users (MEPC.1/Circ.671/Rev.1) and four other circulars related to port reception facilities (MEPC.1/Circ.469/Rev.2, MEPC.1/Circ.644/Rev.1, MEPC.1/Circ.645/Rev.1 and MEPC.1/Circ.470/Rev.1).

6 Member Governments and Parties to the MARPOL Convention are invited to bring the Guidance to the attention of all entities concerned. In particular, port States are invited to make the Guidance available at port reception facilities, and flag States are invited to make it available to shipowners and masters. An electronic copy of the Guidance can be downloaded from the GISIS website of the Organization*.

7 This circular supersedes MEPC.1/Circ.469/Rev.2, MEPC.1/Circ.644/Rev.1, MEPC.1/Circ.645/Rev.1, MEPC.1/Circ.470/Rev.1 and MEPC.1/Circ.671/Rev.1.

* <http://gisis.imo.org> (click on Port Reception Facilities – note that new users will need to register first).

ANNEX

**CONSOLIDATED GUIDANCE FOR PORT RECEPTION FACILITY
PROVIDERS AND USERS**

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INTRODUCTION

1 The use and provision of Port Reception Facilities (PRFs) is fundamental to the overall success of the International Convention for the Prevention of Pollution from Ships (MARPOL) (hereafter the Convention) in its objective of reducing and ultimately eliminating intentional pollution of the marine environment by ships. Considerable efforts by Party States and the industry have resulted in an improvement in the availability and adequacy of PRFs.

2 However, recent work by the Organization suggests that there are still barriers to the efficient delivery of MARPOL residues/wastes ashore. One such barrier has been identified as the lack of clear, easy-to-use guidance that outlines how the shipping community and reception facility providers can best conduct their operations in order to comply with MARPOL and to facilitate efficient, environmentally responsible disposal of MARPOL residues/wastes.

3 This Consolidated Guidance is intended to be a practical users' guide for ships' crew who seek to deliver MARPOL residues/wastes ashore and for port reception facility providers who seek to provide timely, efficient port reception services to ships. It provides a basis for establishing best practice procedures, with an eye towards improving the integration of PRFs into a more comprehensive waste management scheme in which final disposal of MARPOL residues/wastes occurs in a manner that protects the environment, with due regard for the health and safety of workers and the general population. It is based on the fundamental requirements established in MARPOL and the guidance provided in the Organization's *Comprehensive Manual on Port Reception Facilities* (1999) and the *Guidelines for ensuring the adequacy of port waste reception facilities* (resolution MEPC.83(44)). Building on the Manual and the Guidelines, this Guidance suggests how modern environmental management systems and procedures can assist with the improvement of MARPOL residue/waste delivery ashore. Procedures recommended by the Organization include communication and reporting procedures and the use of standardized forms.

4 This Guidance is not intended to provide guidance to Party State authorities and Governments who wish to implement reception facilities under MARPOL. The Manual on Port Reception Facilities and the Guidelines for Ensuring Adequacy, as noted above and previously published by IMO, should be referred to for these purposes.

TERMS USED IN THIS GUIDANCE

5 This Guidance has been written with the aim of enabling shipowners/operators and PRF operators to comply with the MARPOL Convention. As such, plain language has been used wherever possible. However, it is important that the terms used in this document be interpreted consistently and in the appropriate context. The following definitions set out some basic terminology in the context of this Guidance. For complete legal definitions, applicability and exceptions, reference should be made directly to MARPOL and its Annexes.

6 *Adequacy* as used in the MARPOL Annexes means that PRFs meet the needs of ships using the ports without causing undue delay. PRF operators and users may refer to the *Guidelines for ensuring the adequacy of port waste reception facilities* (resolution MEPC.83(44)), section 3, How to Achieve Adequacy, or section 2.3.1 of the *Comprehensive Manual on Port Reception Facilities* (1999), for further information. Section 3.2 of the Guidelines further states that "adequate facilities can be defined as those which: mariners use; fully meet the needs of the ships regularly using them; do not provide mariners with a disincentive to use them; and contribute to the improvement of the marine environment". Additionally, section 3.3 of the Guidelines specifies that the reception facilities must "... allow for the ultimate disposal of ships' waste to take place in an environmentally appropriate way".

7 *Discharge* is defined in MARPOL as any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. In this document, the term "discharge" refers generally to the types of discharges that are regulated under MARPOL.

8 *Garbage*, as defined in MARPOL Annex V, means all kinds of food wastes, domestic wastes and operational wastes, all plastics, cargo residues, incinerator ashes, cooking oil, fishing gear, and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the Convention. Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage, or as a result of aquaculture activities which involve the transport of fish including shellfish for placement in the aquaculture facility and the transport of harvested fish including shellfish from such facilities to shore for processing.

9 *MARPOL residues/wastes* is used throughout this document to refer collectively to all waste streams that are generated on board ships during normal operations and during cargo operations and are governed by the MARPOL Convention, including the following:

- .1 MARPOL Annex I: oil, oily waste, oily mixtures, oily bilge water, slops, sludge, oily tank washings, oily cargo residues, ballast water containing oily mixtures;
- .2 MARPOL Annex II: tank washings and cargo residues containing noxious liquid substances (NLS) as defined in MARPOL Annex II;
- .3 MARPOL Annex IV: sewage;
- .4 MARPOL Annex V: garbage as defined in MARPOL Annex V (see paragraph 8), including cargo residues not governed by Annex I or II (such as dry/bulk cargo residues) and cargo-associated waste (such as dunnage and packaging); and
- .5 MARPOL Annex VI: ozone depleting substances and exhaust gas cleaning residues.

Note: Although some Annex I and II residues are technically cargo residues (i.e. substances which remain for disposal after the loading or unloading of cargo), the term "cargo residues" has only been defined by IMO in the context of Annex V. MARPOL Annex V defines cargo residues as "the remnants of any cargo which are not covered by other Annexes to the present Convention and which remain on the deck or in holds following loading or unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in washwater but does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship". In the context of Annex V, "cargo residues" refers to cargo residues that are not governed by Annex I or II (i.e. dry/bulk cargo residues). For complete definitions and exceptions, please refer to the Annexes.

10 Unless otherwise qualified, the terms "waste" and "residue" in this Guidance can be inferred to mean "MARPOL waste" and "MARPOL residues," i.e. waste streams that are generated on board ships and are governed by MARPOL.

11 *Quarantine waste* refers to waste that requires segregation and special handling due to its potential to spread diseases or plant and animal pests.

12 *Reception facility* refers to any fixed, floating or mobile facility capable of receiving MARPOL residues/wastes from ships and fit for that purpose.

LAYOUT OF GUIDANCE

13 The Guidance is developed for use by shipmasters/owners/operators/agents and port authorities/port reception facility operators, to provide a summary of the main considerations which should be taken into account when delivering and receiving MARPOL residues/wastes. It begins with a basic overview of the basis for the use of PRFs. The remainder of the document is divided into two sections: one which outlines good practices for ships and the other focusing on good practices for reception facilities. Sources of useful supplementary information are referenced at the end of the document. Additionally, in the appendices contained herein, standardized formats are provided: the Format for Reporting Alleged Inadequacies of Port Reception Facilities; an Advance Notification Form (ANF) for shipmasters/owners/operators to notify port operators of their MARPOL residue/waste disposal needs; and a recommended Waste Delivery Receipt (WDR) format for PRF operators. Appendix 4 contains an overview of the waste reception facility reporting requirements for both port States and flag States, the full and effective implementation of which is of paramount importance for the identification and implementation of the necessary actions to be taken towards the provision of adequate reception facilities in many ports worldwide.

CORPORATE AND SOCIAL RESPONSIBILITY

14 Since the adoption of MARPOL, global environmental and societal awareness has grown and developed. This development has introduced new concepts on how to manage operations in an environmentally sensitive and responsible way. Many shipping companies and port authorities have implemented environmental management systems which ensure that their operations are conducted in an environmentally sound manner. Frequently, environmental objectives are set in order to facilitate the ongoing improvement, year on year, in terms of a company's environmental impact. Coupled with this is a growing desire to incorporate the principles of sustainability alongside that of corporate and social responsibility.

15 The Guidance therefore brings into consideration the need for shipping companies and reception facility providers to apply the principles of corporate and social responsibility; to fulfil the obligations relating to all aspects of a company's operation as frequently found within company environmental management systems; and to realize the desire of modern companies to continually improve their environmental performance.

OBLIGATIONS OF SHIPS AND OF PORT OPERATORS

16 Keeping the seas and oceans clean should be seen as the overriding obligation for the use and provision of PRFs. MARPOL includes regulations aimed at preventing and minimizing pollution from ships – both accidental pollution and that from routine operations. The basis for providing and using PRFs is incorporated in the Annexes of MARPOL and implementing laws and regulations of States Parties. The following summarizes the basic obligations under MARPOL and includes other considerations that ship and port operators should take into account. For specific legal requirements, users of this Guidance should refer directly to the MARPOL Protocols and Annexes or implementing regulations of individual States Party to the Convention.

17 To complement residue/waste minimization and management practices on board the ship (see section 6), the shipping industry needs access to adequate PRFs to enable compliance with the provisions of the Convention. Therefore, MARPOL places an obligation on States Parties to provide adequate reception facilities in their ports. The following regulations stipulate this requirement for each type of MARPOL residue/waste identified:

- .1 regulation 38 of Annex I;
- .2 regulation 18 of Annex II;
- .3 regulations 12 and 12*bis* of Annex IV;
- .4 regulation 8 of Annex V; and
- .5 regulation 17 of Annex VI.

18 In addition to the basic rules in the MARPOL Annexes, ships' operators should be aware that individual port States have implemented national and regional requirements which may mandate that ships discharge certain types of MARPOL residues/wastes to port reception facilities. Individual port States may also specify the means of disposal to meet quarantine and other regulatory requirements. Operators should therefore ensure they have a complete and up-to-date overview of national and regional requirements relating to PRFs. Such information may be gained directly from the port State authorities, or via agents in the port, or trade associations representing the shipping and/or port industries.

19 General obligations under each of the regulations listed above also state that Parties should communicate information on their PRFs to the Organization. To this end, the Organization has 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 port States. Port State authorities are encouraged to regularly seek accurate and up-to-date information from reception facility operators and port authorities and to maintain entries on the PRFD. Reception facility operators and port authorities should also be proactive in communicating updated information to port State authorities. This two-way communication will facilitate the dissemination of PRF information to the shipping industry.

20 Shipmasters/owners/operators can use the PRFD on the GISIS website to obtain information on specific port reception facilities. PRF operators are encouraged to maintain and update on regular basis current and accurate information regarding their facilities and to provide such information to authorities so as to ensure the accuracy of information on the PRFD and that current information is available to shipmasters and shipowners/operators. Ships' agents, acting on behalf of owners/operators may also access the public GISIS website for PRF information.

Special Areas and Emission Control Areas

21 Of particular importance in the ultimate elimination of marine pollution from ships are the more restrictive requirements in force in Special Areas and Emission Control Areas (ECAs) as defined in MARPOL. The following is a list of Special Areas/ECAs to date as adopted within MARPOL (an up-to-date list can also be found at: <http://www.imo.org> (click on Marine Environment, then Special Areas)):

Annex I: Oil

Mediterranean Sea
 Baltic Sea
 Black Sea
 Red Sea (see paragraph 22)
 "Gulfs" Area
 Gulf of Aden (see paragraph 22)
 Antarctic Area
 North West European Waters
 Oman Area of the Arabian Sea (see paragraph 22)
 Southern South African Waters

Annex II: Noxious Liquid Substances

Antarctic Area (south of latitude 60 degrees South), regulation 13.8 of MARPOL Annex II

Annex IV: Sewage

Baltic Sea (see paragraph 22)

Annex V: Garbage

Mediterranean Sea

Baltic Sea

Black Sea (see paragraph 22)

Red Sea (see paragraph 22)

"Gulfs" Area

North Sea

Antarctic Area (south of latitude 60 degrees South)

Wider Caribbean region including the Gulf of Mexico and the Caribbean Sea
(see paragraph 22)

Annex VI: Air Pollution – Emission Control Areas (ECA)

North Sea

Baltic Sea area

North American area

United States Caribbean Sea area (see paragraph 24)

Note: Requirements may vary for each special area; therefore mariners should consult the relevant MARPOL Annex or IMO circular for specific details.

22 The Special Area requirements for several of these areas have not taken effect because of lack of notifications from MARPOL Parties whose coastlines border the relevant Special Areas on the existence of adequate reception facilities (regulations 38.6 of MARPOL Annex I, 13.2 of MARPOL Annex IV and 8.2 of MARPOL Annex V). While this remains the case, the shipping and port industry should endeavour to meet the requirements as if the Special Area status of those areas had taken effect as per the spirit of MARPOL.

23 MARPOL Annex II contains more stringent discharge restrictions specific to certain geographical areas (listed along with information relating to Special Areas on the IMO website). In the Antarctic Area, no noxious liquid substances may be discharged (Annex II, regulation 13.8.2).

24 MARPOL Annex VI provides for Emission Control Areas (ECA) in the North Sea and Baltic Sea Areas where SO_x emissions must be restricted through use of lower sulphur fuels or exhaust gas cleaning technologies (Annex VI, regulation 14.4). The revision of Annex VI, which came into force on 1 July 2010, provides for even stricter controls for SO_x within ECAs and allows for other areas to be designated as ECAs for SO_x, NO_x and particulate matter. The designated North American area took effect on 1 August 2012 and the designated United States Caribbean Sea area took effect on 1 January 2014.

25 Shipowners/operators and port operators should be conscious that these restrictions further emphasize the importance of the general obligations to provide adequate reception facilities for MARPOL residues/wastes. In all cases when shipping companies encounter inadequate reception facilities, those allegations should be reported accurately and in a timely

manner via the ship's flag State to the Organization and to the appropriate port State authorities or port operators, using the suggested format for reporting (see appendix 1).

GOOD PRACTICES FOR SHIPMASTERS, SHIPOWNERS AND OPERATORS

Considerations prior to delivery of MARPOL residues/wastes ashore

26 Efficient delivery of MARPOL residues/wastes ashore relies on advance planning. The following sections outline ways in which considerations for delivery of MARPOL residues/wastes ashore can be integrated into a ship's operating procedures in order to minimize delays and unexpected costs and improve environmental management practices. Good waste management strategies should be incorporated into voyage planning.

Logistical and commercial arrangements

27 Consideration should be given to the logistical and commercial arrangements which may be specified in shipping contracts (charter party agreements) between ship operators and cargo owners. Such arrangements should take into account the need to discharge MARPOL residues/wastes ashore to reception facilities and should not compromise, but rather facilitate, the ship operator's ability to comply with obligations under MARPOL. Examples of logistical and commercial considerations might include allowing sufficient time in port to complete transfer of MARPOL residues/wastes and ensuring that disposal costs are accounted for in charter agreements when appropriate. Such considerations are especially important when cargo tank pre-washes are required for certain Annex II residues and when charter agreements specify tank or cargo hold cleaning after discharging cargoes.

Minimization and management of ship-generated residue/waste

28 Although not a direct requirement of MARPOL, minimizing the residue/waste generated on board ships represents an environmental best practice, and should be considered in a ship's overall waste management practices.

29 The most effective way of reducing ship-generated residue/waste is to reduce materials that become waste at the source. Efforts should be made to minimize packaging from ship stores, for example, by establishing an agreement with the supplier to accept the return of the packaging upon delivery, or to reduce the amount of packaging.

30 Developing an agreement with suppliers and manufacturers is not only important for more general waste categories such as plastics, but essential for other maritime specific wastes such as time expired pyrotechnics; used ropes, tails and wires; time expired medicine; and batteries. The supplier and/or manufacturer should be able to provide the specialist facilities for treatment or disposal of these products and materials.

31 Onboard waste management will also assist in minimizing ship-generated waste. Ship operators and shipbuilders should consider further the design of new ships to enhance waste treatment on board and consider introducing operational measures which can improve efficiency for existing ships. Further information on shipboard garbage handling and storage procedures and minimizing the amount of potential garbage is provided in the *2012 Guidelines for the Implementation of MARPOL Annex V* (resolution MEPC.219(63)). In addition, an ISO standard for the management and handling of shipboard garbage (ISO 21070:2011) has been developed. For ships of 100 gross tonnage and above, and ships which are certified to carry 15 persons or more, information with regard to onboard management of garbage will also be included in the Garbage Management Plan (*2012 Guidelines for the Development of Garbage Management Plans* (resolution MEPC.220(63))).

32 In relation to the minimization of oily waste, an increased familiarity with the ship's engine-room treatment systems coupled with the crew's training in oily waste management and recording will assist in reducing the amount of waste produced and improve the overall on-board management of oily waste. The use of the Integrated Bilge Water Treatment System (IBTS) will facilitate segregation of oily waste, allowing for the storage of oil sludge, oil-water mixtures and clean water separately.

33 Ships' crew need to understand the correct use of, and entries to, the Oil Record Book, Cargo Record Book and the Garbage Record Book. This will help to ensure that any management system implemented can be easily monitored and audited. Industry associations such as INTERTANKO and ICS may provide useful guidance on the correct use of such record books.

34 If space permits, onboard waste management plans should take into account the possibility of being able to recycle certain garbage types. The segregation of garbage according to the requirements of MARPOL Annex V (e.g. plastics; food wastes; domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.); cooking oil; incinerator ashes; operational wastes; cargo residues; animal carcass(es); fishing gear) should also allow for the delivery of garbage in certain recyclable categories.

35 To facilitate the landing of recyclable residues/waste, ship operators should consider establishing contracts with facilities in ports that are visited on a regular basis. This will fulfil both the need to use a reputable supplier as per most environmental management systems and facilitate the discharge of segregated waste ashore on each port visit. Where appropriate reception facilities for segregated and/or recyclable wastes are not provided in a port, shipowners/operators are encouraged to request that such facilities are developed in conjunction with the recycling capability of the locality or region.

Communication and advance notification

36 Individual ports may need to comply with varying local requirements for specialized handling (such as quarantine) of certain types of MARPOL waste, such as animal, plant and food wastes generated on board the ship. Therefore, ship operators should check with local agents, port authorities, harbour masters or reception facility providers for port-specific requirements prior to arrival in order to plan for and accommodate any special handling requirements for that particular port, including any additional segregation that may need to take place on board well in advance of arrival. This information should be incorporated into the company's environmental management plan and should be taken into consideration in voyage planning.

37 As noted in paragraph 19, IMO's PRF Database, accessible online through the GISIS website, can be a good source of information about the reception facilities available at ports worldwide. Users must first register by creating a username and password.

38 In some ports, for logistical reasons, the providers of port reception facilities may require advance notification from the ship of its intention to use the facilities. Further information on this requirement is provided in section 4 of the *Guidelines for ensuring the adequacy of port waste reception facilities* (resolution MEPC.83(44)). Providing advance notification to the reception facility of the type and quantity of MARPOL residues/wastes on board and the type and quantity intended to be delivered will greatly assist the reception facility operator in receiving the materials while minimizing any delay to the vessel's normal port operation. General recommended practice is to provide at least 24 hours' notice, although specific requirements may vary by reception facility. If a ship visits a port on a regular basis, a standing arrangement with the PRF may prove to be most efficient. Shipmasters are recommended to use the standardized Advance Notification Form as developed by IMO (appendix 2). Port authorities, agents and facility operators are urged to accept the standardized format; however, some operators may require an alternate form.

Considerations during MARPOL residues/wastes delivery

39 During delivery of MARPOL residues/wastes, appropriate procedures as drawn up in the ship's Safety Management System (ISM Code) should be followed.

40 Following delivery, the master should request a Waste Delivery Receipt to document the type and quantity of MARPOL residues/wastes actually received by the facility. IMO has standardized the format of this document to facilitate its use and application and in order to provide uniformity of records throughout the world (appendix 3). Corresponding records, receipts or certificates of the delivery should be kept in the Garbage Record Book (for a minimum of two years) and the Oil Record Book (part I for all ship types and part II for oil tankers) and the Cargo Record Book for chemical tankers.

41 Ship operators play a critical role in assisting port States with their obligation to provide adequate PRFs for ships. Since the possibility for improving reception facilities is dependent, at least partly, on the receipt of adequate information about alleged inadequacies, shipping companies should be encouraged to include the provisions for reporting alleged inadequacies of port reception facilities in their procedures for shipboard operations required under section 7 of the ISM Code. As part of the ship's Safety Management System, the master should be required to complete a report on encountering an inadequate PRF. The format for such a report is provided in appendix 1, which is also available through the Port Reception Facility section of the GISIS website. Completed reports should be forwarded to the flag Administration and, if possible, to the Authorities of the port State.

42 Flag States are requested to distribute the format in appendix 1 to ships and urge masters to use it to report alleged inadequacies of port reception facilities to the Administration of the flag State and, if possible, to the Authorities of the port State. Flag States are also requested to notify IMO, for transmission to the Parties concerned, of any case where facilities are alleged to be inadequate, and to inform the port State of the alleged inadequacies.

43 Notification should be made as soon as possible following the completion of the alleged inadequacies reporting format and should include a copy of the master's report, together with any supporting documentation.

44 Port States should ensure the provision of proper arrangements to consider and respond appropriately and effectively to reports of inadequacies, informing IMO and the reporting flag State of the outcome of their investigation.

45 The alleged inadequacy report together with the follow-up action received from the port State is published on the IMO's PRF Database.

GOOD PRACTICES FOR PORT RECEPTION FACILITY OPERATORS**Communication**

46 In order to provide efficient PRF services that meet the needs of ships calling at a port without causing undue delay, port authorities should prepare a Port Waste Management Plan and should ensure that relevant information about the reception services available and associated costs are communicated to ship operators well in advance of the ship's arrival.

47 It is useful for ship operating companies to be able to plan the delivery of MARPOL residues/wastes well in advance of the ship's next port call, especially if the port has more stringent requirements that might necessitate additional segregation of waste on board prior to arrival, such as quarantine segregation. As noted above, to facilitate ships' planning, port authorities or PRF providers are urged to communicate to their country focal points accurate and

up-to-date information about the reception facilities available at the port. This information can then be communicated to the shipping industry via IMO's PRF Database, accessible through the GISIS website.

48 At a minimum, the information uploaded and made available on the PRFD should include type of facilities, capacity of the facilities and the contact point. Additional information that would facilitate ships' planning might include contact details for the port authority or harbour master, a link to the port website, a link to the Port Waste Management Plan, and information relating to fees/cost to use facilities. A good example is the information provided in material published by the Port of Rotterdam (available at: www.portofrotterdam.com). Such additional information might be downloaded electronically as required, and could provide further instruction to ships regarding procedures for using the facilities (including, for example, specific local requirements for quarantine waste).

49 Port authorities and reception facility providers should request shipmasters to provide advance notice of MARPOL residues/wastes delivery in order to ensure that the necessary receptacles and vehicles are prepared for receipt of the material. To facilitate the notification process, port authorities and reception facilities should accept the standardized Advance Notification Form (appendix 2). Use of the standardized form will allow the shipmaster and operator to prepare in advance a system for generating such forms and avoid having to complete a different form for each port or facility visited.

Port reception practices

50 Although legal requirements for PRFs will vary depending on the port State's implementing legislation, good practices for PRFs should include procedures that facilitate better integration with shipboard and landside residue/waste management practices. Such integration and cooperation with inland waste disposal operations should allow ultimate disposal of ship-generated waste to take place in an environmentally-appropriate manner.

51 The reception facility should be adequately prepared to receive Annex V residues/wastes as segregated on board and should supply suitable receptacles to facilitate the landing of segregated waste for recycling. Procedures for reception of segregated residue/waste should parallel the standards for the Management and Handling of Shipboard Garbage as specified in ISO 21070. PRF operators and port authorities within State Parties should work with national and local government officials, regional administrators, commercial interests, and local waste disposal infrastructure managers to develop landside waste disposal strategies, including waste segregation, that encourage reduction, reuse and recycling of ship-generated wastes landed ashore at PRFs. Reception facility providers should seek out resale/recycling options for reusable/recyclable waste when not prohibited by local laws.

52 In the case of oil, noxious liquid substances and other dangerous goods or harmful or hazardous substances, port and reception facility operators should adhere to the guidance provided in relevant publications such as the International Safety Guide for Oil Tankers and Terminals (ISGOTT) or the International Maritime Dangerous Goods (IMDG) Code.

53 The reception facility should also be adequately prepared to receive MARPOL residues/wastes in accordance with any local quarantine requirements, for example by providing suitably sealed receptacles and ensuring that MARPOL residues/wastes can be transported and disposed of in accordance with regulations. Port State authorities should also be aware of the need for appropriate treatment and disposal sites and should seek to ensure that these are available through public or private arrangements.

54 The necessary connection arrangements for the discharge of machinery bilge residues and sludge residues are provided for in regulation 13 of Annex I to MARPOL. These standard dimensions for flanges and discharge connections will apply to all ships and should therefore allow the reception facility to standardize its own connection pipes accordingly.

55 Following delivery, the reception facility should provide the master with a Waste Delivery Receipt. IMO has standardized the format of this document to facilitate its use and application. The Waste Delivery Receipt format (WDR) is provided in appendix 3.

56 Although the port structure in a State Party may or may not accommodate cost/pricing schemes and/or other incentives for MARPOL residues/wastes delivery ashore, reception facility services should be provided at a reasonable cost. The IMO *Guidelines for ensuring the adequacy of port waste reception facilities* (section 3.2) define "adequate" facilities as those which "do not provide mariners with a disincentive to use them", and further suggest that unreasonably high costs can deter use of PRFs (Guidelines, section 5.2).

SOURCES OF ADDITIONAL INFORMATION

Global Integrated Shipping Information System (GISIS) website: <http://gisis.imo.org/Public/>

MARPOL Consolidated Edition – includes all Articles, Protocols, Annexes, and Unified Interpretations; available at: http://www.imo.org/Publications/mainframe.asp?topic_id=424 (product # ID520E)

Comprehensive Manual on Port Reception Facilities (1999) – available at: http://www.imo.org/Publications/mainframe.asp?topic_id=424 (product # IA597E)

Guidelines for the Implementation of MARPOL Annex V (2012) – available at http://www.imo.org/Publications/mainframe.asp?topic_id=424 (product # IB656E)

Guidelines for ensuring the adequacy of port waste reception facilities (resolution MEPC.83(44)) – available at http://www.imo.org/Publications/mainframe.asp?topic_id=424 (product # I598E)

APPENDIX 1

FORMAT FOR REPORTING ALLEGED INADEQUACIES OF PORT RECEPTION FACILITIES¹

The master of a ship having encountered difficulties in discharging waste to reception facilities should forward the information below, together with any supporting documentation, to the Administration of the flag State and, if possible, to the competent Authorities in the port State. The flag State shall notify IMO and the port State of the occurrence. The port State should consider the report and respond appropriately informing IMO and the reporting flag State of the outcome of its investigation.

1 SHIP'S PARTICULARS

- 1.1 Name of ship: _____
- 1.2 Owner or operator: _____
- 1.3 Distinctive number or letters: _____
- 1.4 IMO Number²: _____
- 1.5 Gross tonnage: _____
- 1.6 Port of registry: _____
- 1.7 Flag State³: _____
- 1.8 Type of ship:
- | | | |
|---|--|--|
| <input type="checkbox"/> Oil tanker | <input type="checkbox"/> Chemical tanker | <input type="checkbox"/> Bulk carrier |
| <input type="checkbox"/> Other cargo ship | <input type="checkbox"/> Passenger ship | <input type="checkbox"/> Other (specify) _____ |

2 PORT PARTICULARS

- 2.1 Country: _____
- 2.2 Name of port or area: _____
- 2.3 Location/terminal name: _____
(e.g. berth/terminal/jetty)
- 2.4 Name of company operating the reception facility (if applicable): _____
- 2.5 Type of port operation:
- | | | |
|--|---------------------------------------|-----------------------------------|
| <input type="checkbox"/> Unloading port | <input type="checkbox"/> Loading port | <input type="checkbox"/> Shipyard |
| <input type="checkbox"/> Other (specify) _____ | | |
- 2.6 Date of arrival: ____/____/____ (dd/mm/yyyy)
- 2.7 Date of occurrence: ____/____/____ (dd/mm/yyyy)
- 2.8 Date of departure: ____/____/____ (dd/mm/yyyy)

¹ This format was approved by MEPC 53.

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 <u>not</u> accepted (m ³)	Problems encountered Indicate the problems encountered by using one or more of the following code letters, as appropriate. A No facility available B Undue delay C Use of facility technically not possible D Inconvenient location E Vessel had to shift berth involving delay/cost F Unreasonable charges for use of facilities G Other (please specify in paragraph 3.2)
MARPOL Annex I-related			
Type of oily waste:			
Oily bilge water			
Oily residues (sludge)			
Oily tank washings (slops)			
Dirty ballast water			
Scale and sludge from tank cleaning			
Other (please specify)			
MARPOL Annex II-related			
Category of NLS 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. Plastics			
B. Food wastes			
C. Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)			
D. Cooking oil			
E. Incinerator ashes			
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.

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

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

☐ Yes ☐ No

If Yes, with whom (please specify)

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

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

☐ Yes ☐ No ☐ Not applicable

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

☐ Yes ☐ No

4 ADDITIONAL REMARKS/COMMENTS

Master's signature

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

APPENDIX 2

STANDARD FORMAT OF THE ADVANCE NOTIFICATION FORM FOR WASTE DELIVERY
TO PORT RECEPTION FACILITIES

Notification of the Delivery of Waste to: (enter name of port or terminal)

The master of a ship should forward the information below to the designated authority at least 24 hours in advance of arrival or upon departure of the previous port if the voyage is less than 24 hours.

This form shall be retained on board the vessel along with the appropriate Oil RB, Cargo RB or Garbage RB.

DELIVERY FROM SHIPS (ANF)

1. SHIP PARTICULARS

1.1 Name of ship:	1.5 Owner or operator:
1.2 IMO number:	1.6 Distinctive number or letters:
1.3 Gross tonnage:	1.7 Flag State:
1.4 Type of ship: <input type="checkbox"/> Oil tanker <input type="checkbox"/> Chemical tanker <input type="checkbox"/> Bulk carrier <input type="checkbox"/> Container <input type="checkbox"/> Other cargo ship <input type="checkbox"/> Passenger ship <input type="checkbox"/> Ro-ro <input type="checkbox"/> Other (specify)	

2. PORT AND VOYAGE PARTICULARS

2.1 Location/Terminal name and POC:	2.6 Last Port where waste was delivered:
2.2 Arrival Date and Time:	2.7 Date of Last Delivery:
2.3 Departure Date and Time:	2.8 Next Port of Delivery (if known):
2.4 Last Port and Country:	2.9 Person submitting this form is (if other than the master):
2.5 Next Port and Country (if known):	

3. TYPE AND AMOUNT OF WASTE FOR DISCHARGE TO FACILITY

MARPOL Annex I – Oil	Quantity (m ³)	MARPOL Annex V – Garbage	Quantity (m ³)
Oily bilge water		A. Plastics	
Oily residues (sludge)		B. Food wastes	
Oily tank washings		C. Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)	
Dirty ballast water		D. Cooking oil	
Scale and sludge from tank cleaning		E. Incinerator ashes	
Other (please specify)		F. Operational wastes	
MARPOL Annex II – NLS	Quantity (m³)/Name¹	G. Cargo residues ²	
Category X substance		H. Animal carcass(es)	
Category Y substance		I. Fishing gear	
Category Z substance		MARPOL Annex VI – Air pollution	Quantity (m³)
OS – other substances		Ozone-depleting substances and equipment containing such substances	
MARPOL Annex IV – Sewage	Quantity (m³)	Exhaust gas-cleaning residues	

¹ Indicate the proper shipping name of the NLS involved.

² Indicate the proper shipping name of the dry cargo.

Name of ship:	IMO Number:
---------------	-------------

Please state below the approximate amount of waste and residues remaining on board and the percentage of maximum storage capacity. If delivering all waste on board at this port please strike through this table and tick the box below. If delivering some or no waste, please complete all columns.

I confirm that I am delivering all the waste held on board this vessel (as shown on page 1) at this port ☐

Type	Maximum dedicated storage capacity (m ³)	Amount of waste retained on board (m ³)	Port at which remaining waste will be delivered (if known)	Estimate amount of waste to be generated between notification and next port of call (m ³)
MARPOL Annex I – Oil				
Oily bilge water				
Oily residues (sludges)				
Oily tank washings				
Dirty ballast water				
Scale and sludge from tank cleaning				
Other (please specify)				
MARPOL Annex II – NLS³				
Category X substance				
Category Y substance				
Category Z substance				
OS – other substances				
MARPOL Annex IV – Sewage				
Sewage				
MARPOL Annex V – Garbage				
A. Plastics				
B. Food wastes				
C. Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)				
D. Cooking oil				
E. Incinerator ashes				
F. Operational wastes				
G. Cargo residues ⁴				
H. Animal carcass(es)				
I. Fishing gear				
MARPOL Annex VI – Air pollution				
Ozone-depleting substances and equipment containing such substances				
Exhaust gas-cleaning residues				

Date:

Name and Position:

Time:

Signature:

³ Indicate the proper shipping name of the NLS involved.

⁴ Indicate the proper shipping name of the dry cargo.

APPENDIX 3

STANDARD FORMAT FOR THE WASTE DELIVERY RECEIPT

The designated representative of the reception facility provider should provide the following form to the master of a ship that has just delivered waste.

This form should be retained on board the vessel along with the appropriate Oil RB, Cargo RB or Garbage RB.

1. RECEPTION FACILITY AND PORT PARTICULARS

1.1 Location/Terminal name:	
1.2 Reception facility provider(s)	
1.3 Treatment facility provider(s) – if different from above:	
1.4 Waste Discharge Date and Time from:	to

2. SHIP PARTICULARS

2.1 Name of ship:	2.5 Owner or operator:
2.2 IMO number:	2.6 Distinctive number or letters:
2.3 Gross tonnage:	2.7 Flag State:
2.4 Type of ship: <input type="checkbox"/> Oil tanker <input type="checkbox"/> Chemical tanker <input type="checkbox"/> Bulk carrier <input type="checkbox"/> Container <input type="checkbox"/> Other cargo ship <input type="checkbox"/> Passenger ship <input type="checkbox"/> Ro-ro <input type="checkbox"/> Other (specify)	

3. TYPE AND AMOUNT OF WASTE RECEIVED

MARPOL Annex I – Oil	Quantity (m ³)	MARPOL Annex V – Garbage	Quantity (m ³)
Oily bilge water		A. Plastics	
Oily residues (sludge)		B. Food wastes	
Oily tank washings		C. Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)	
Dirty ballast water		D. Cooking oil	
Scale and sludge from tank cleaning		E. Incinerator ashes	
Other (please specify)		F. Operational wastes	
MARPOL Annex II – NLS	Quantity (m³)/Name⁵	G. Cargo residues ⁶	
Category X substance		H. Animal carcass(es)	
Category Y substance		I. Fishing gear	
Category Z substance		MARPOL Annex VI – related	Quantity (m³)
OS – other substance		Ozone-depleting substances and equipment containing such substances	
MARPOL Annex IV – Sewage	Quantity (m³)	Exhaust gas-cleaning residues	

On behalf of the port facility I confirm that the above wastes were delivered.

Signature: Full Name and Company Stamp:

⁵ Indicate the proper shipping name of the NLS involved.

⁶ Indicate the proper shipping name of the dry cargo.

APPENDIX 4

WASTE RECEPTION FACILITY REPORTING REQUIREMENTS

Table 1: Waste reception facility reporting requirements for port States

Reporting requirements		Reference
Reporting on the availability of reception facilities	The port State is required to communicate to the Organization a list of reception facilities in its ports including their location, capacity, available facilities and other characteristics.	Article 11(1)(d) of MARPOL
	The port State is required to upload information on new reception facilities on the Port Reception Facilities Database (GISIS) and to maintain and update the required information continuously.	Port Reception Facilities Database (PRFD) as a module of the Global Integrated Shipping Information System (GISIS); see MEPC 53/24, paragraph 9.6
Reporting on alleged inadequacies of reception facilities	The port State should ensure the provision of proper arrangements to consider and respond appropriately and effectively to reports of inadequacies, informing IMO and the reporting flag State of the outcome of their investigation.	Resolution MEPC.83(44), annex, paragraph 10.3; MEPC.1/Circ.834, paragraph 44
Reporting on the assessment of the port reception facilities	The port State is encouraged to make use of the assessment form appended to the <i>Guidelines for ensuring the adequacy of port waste reception facilities</i> , to conduct regular assessments of waste reception facilities in its ports and advise IMO of the outcome of such assessments, including any inadequacies of port reception facilities, as well as any technical cooperation assistance that may be needed to address those inadequacies.	Resolution MEPC.83(44) <i>Guidelines for ensuring the adequacy of port waste reception facilities</i>
Consulting with IMO on regional arrangements for port reception facilities	Small Island Developing States participating in a regional arrangement shall consult with IMO for circulation to the MARPOL Parties: (1) how the Regional Reception Facilities Plan takes into account the Guidelines; (2) particulars of the identified Regional Ships Waste Reception Centres; and (3) particulars of those ports with only limited facilities.	Reg. 38(3 <i>bis</i>) and 38(4 <i>bis</i>) of Annex I; Reg. 18(2 <i>bis</i>) of Annex II; Reg. 12(1 <i>bis</i>) of Annex IV; Reg. 8(2 <i>bis</i>) of Annex V; and Reg. 17(1 <i>bis</i>) of Annex VI; <i>2012 Guidelines for the Development of a Regional Reception Facilities Plan</i> (resolution MEPC.221(63))

Table 2: Waste reception facility reporting requirements for flag States

Reporting requirements		Reference
Reporting on alleged inadequacies of reception facilities	The flag State is requested to distribute the format for reporting alleged inadequacies of port reception facilities, as set out in appendix 1 of MEPC.1/Circ.834, to ships and urge Masters to use this format to report alleged inadequacies of port reception facilities to the Administration of the flag State and, if possible, to the authorities of the port State.	MEPC.1/Circ.834, paragraph 42
	The flag State is required to notify IMO, for transmission to the Parties concerned, of any case where facilities are alleged to be inadequate.	Reg. 38(8) of Annex I; Reg. 18(5) of Annex II; Reg. 12(2) of Annex IV; Reg. 8(3) of Annex V; and Reg. 17(3) of Annex VI; resolution MEPC.83(44), annex, paragraph 8.3; MEPC.1/Circ.834, paragraph 42
	The flag State shall notify the port State of the occurrence of the alleged inadequacy of port reception facilities.	MEPC.1/Circ.834, paragraph 42; resolution MEPC.83(44), annex, paragraph 8.3
	Notification shall be made as soon as possible following completion of the alleged inadequacies reporting form (MEPC.1/Circ.834, appendix 1) and should include a copy of the master's report, together with any supporting documentation.	Resolution MEPC.83(44), annex, paragraph 8.3.1; MEPC.1/Circ.834, paragraph 43

ANNEX 2

RESOLUTION MEPC.83(44)

Adopted on 13 March 2000

**GUIDELINES FOR ENSURING THE ADEQUACY
OF PORT WASTE RECEPTION FACILITIES**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO the objective of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) to achieve the complete elimination of international pollution of the marine environment,

RECALLING FURTHER Assembly resolution A.896(21) on the provision and use of port reception facilities,

DESIRING in this regard to reduce even further operational pollution,

NOTING regulations 12(5) of Annex I, 7(4) of Annex II and 7(2) of Annex V of MARPOL 73/78 which require the Government of each Party to ensure the provision of reception facilities,

RECOGNIZING the urgent need for developing such guidelines in order to ensure uniform application of regulation 12 of Annex I of MARPOL 73/78,

RECOGNIZING ALSO that some Governments may face particular difficulties in meeting their obligations under regulation 12 of Annex I of MARPOL 73/78,

RECOGNIZING FURTHER the importance of effective planning and accurate assessment of the needs of port users for the provision of adequate reception facilities,

HAVING CONSIDERED at its forty-fourth session proposals for the Guidelines submitted by Governments,

1. ADOPTS the Guidelines for ensuring the adequacy of port waste reception facilities, the text of which is set out at Annex to the present resolution;
2. URGES Governments to meet their obligations to ensure the proper provision of adequate facilities and arrange for effective receipt of ships' wastes in their ports;
3. FURTHER URGES Governments to take necessary steps to ensure that the planning and establishment of new facilities are achieved in accordance with these Guidelines;

4. FURTHER ENCOURAGES Governments to make use of the assessment form appended to the Guidelines to conduct regular assessments of their waste reception facilities in their ports and advise IMO of the outcome of such assessments, including any inadequacies of port reception facilities, as well as any technical co-operation assistance needed to address those inadequacies.

GUIDELINES FOR ENSURING THE ADEQUACY OF PORT WASTE RECEPTION FACILITIES

1. INTRODUCTION

States Parties have obligations under UNCLOS¹ and MARPOL 73/78² to tackle the problems associated with the illegal discharge of ship-generated wastes from all types and sizes of ships, including sailing boats. Marine pollution is indiscriminate. By its nature it is transboundary. Its effects have repercussions on a global scale. The illegal discharge of oil has a detrimental effect on the marine and coastal environment. Oil may wash ashore as tar balls far away from its point of discharge. Ship sourced pollution such as plastic is capable of remaining in the marine environment for hundreds of years.

These guidelines, prepared by the Marine Environment Protection Committee (MEPC) of the International Maritime Organisation (IMO), contain information for the provision and improvement of port waste reception facilities and are designed to complement the IMO Comprehensive Manual on Port Reception Facilities³. The guidelines provide, in summary, information relating to the ongoing management of existing facilities, as well as for the planning and establishment of new facilities. The guidelines are also intended to encourage States to provide adequate port waste reception facilities and ships to make more effective use of these facilities. This will make a substantial contribution to the ultimate aim of MARPOL 73/78 to achieve the complete elimination of intentional pollution of the marine environment.

The main objective of the guidelines is to remind States that wastes arise from all maritime activities - commercial, fishing and recreational - and that each activity requires specific attention. In particular, the guidelines are intended to:

- .1 assist States in planning and providing adequate port waste reception facilities;
and
- .2 encourage States to develop environmentally appropriate methods of disposing of ships' wastes ashore.

These guidelines are designed to address Member Governments, port States and port authorities for their activities aimed at provision of adequate port Waste reception facilities required under the provisions of MARPOL 73/78.

¹ United Nations Convention on the Law of the Sea 1982

² The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.

³ IMO Publication 597E

2. OBLIGATIONS AND PRINCIPLES

UNCLOS provides that:

- .1 States have a general obligation to protect and preserve the marine environment (*Article 192*);
- .2 States have a duty to take measures, using the best practicable means at their disposal and in accordance with their capabilities, to minimise to the fullest possible extent pollution from ships, in particular measures for preventing intentional and unintentional discharges (*Article 194*); and
- .3 flag States have a duty to adopt laws and regulations which have at least the same effect as that of generally accepted international rules and standards established through the IMO (*Article 211(2)*).

UNCLOS and MARPOL establish a framework of rights and duties. Coastal States have the right to prohibit polluting discharges from foreign and domestic shipping in their coastal zones. If they exercise this right, they have a duty to ensure the provision of adequate reception facilities for ships' wastes in their ports. This duty is explicit in MARPOL. It is implicit in UNCLOS that each right also entails a duty.

States Parties to MARPOL 73/78 have specifically undertaken to ensure the provision of adequate waste reception facilities in their ports. Most States have delegated this duty to their ports industry or to other public or private bodies, but States retain the ultimate responsibility for ensuring that their undertaking is fulfilled.

The global provision of adequate port waste reception facilities will help pave the way to the elimination of intentional pollution of the marine environment from maritime activities as envisaged in the preamble to MARPOL 73/78. To succeed in this objective mariners must be provided with the means to dispose of ships' wastes ashore. The conditions of use of such facilities must not deter mariners from using them, either for practical or economic reasons.

States Parties failing to provide adequate reception facilities will be in breach of their MARPOL 73/78 obligations, and make it harder to enforce measures to combat illegal discharges at sea from shipping.

These guidelines concentrate on the need for adequate port reception facilities, rather than on the enforcement of international obligations. There is international recognition of the need for the proper management to achieve and maintain high standards of environmental protection by all those involved in the operation of ships. To address this need, the IMO has adopted the International Safety Management (ISM) Code⁴ to develop a safety and environmental culture both ashore and on board ship. It places a responsibility on the flag State to confirm, by means of auditing, that both the shore-side management systems and operational standards on board ships comply with the ISM Code.

⁴ The IMO adopted the ISM Code in November 1993 through resolution A.741(18). As from 1 July 1998 compliance with the requirements of the ISM Code is mandatory under the provisions of Chapter IX of SOLAS. Section 15 contains information on the ISM Code.

In addition to the requirements under UNCLOS, MARPOL 73/78 and SOLAS⁵, the ISM Code provides a link between the need for compliance with international treaty obligations and the associated responsibilities of the maritime industry. This dual approach - by administrations and industry - to the provision of adequate facilities should complement other measures taken by the IMO to protect the marine environment.

3. HOW TO ACHIEVE ADEQUACY

The IMO has agreed that:

“To achieve adequacy the port should have regard to the operational needs of users and provide reception facilities for the types and quantities of wastes from ships normally using the port.”⁶

The IMO, through the MEPC, has undertaken work into, and monitored the provision of, port waste reception facilities. It has concluded that, notwithstanding 3.1 above, adequate facilities can be defined as those which:

- .1 mariners use;
- .2 fully meet the needs of the ships regularly using them;
- .3 do not provide mariners with a disincentive to use them; and
- .4 contribute to the improvement of the marine environment.

The facilities provided by the port must:

- .1 meet the needs of the ships normally using the port; and
- .2 allow for the ultimate disposal of ships' wastes to take place in an environmentally appropriate way.

4. OPERATIONAL NEEDS

In relation to operational needs, the key concern of the master, shipowner and ship's agent is likely to be to avoid the ship incurring undue delay. The IMO Comprehensive Manual on Port Reception Facilities provides a definition:

“The time of transfer [of waste] should be mutually agreed upon and transfer of waste should take place during the cargo-handling working hours of the port unless the ship's normal call at the port is not at a time within this period.”.

⁵ International Convention for the Safety of Life at Sea 1974 (as amended)

⁶ This was agreed upon at MEPC 43

It is unlikely that a ship would enter port solely to discharge wastes. Nevertheless, ports should make every effort to meet the needs of ships and not create obstacles to ships using reception facilities.

For logistical reasons, the providers of waste reception facilities may require advance notification of the intention to use facilities, particularly if independent waste contractors provide some or all of the port's waste collection services. Providing advance notification of the type and quantity of wastes on board for delivery to a reception facility should minimise the risk of undue delay to the ship. Once alerted to the volumes and types of wastes expected, the waste facility provider will be better able to meet the needs of the ship at a mutually acceptable time.

Some States have, either on a national or regional basis, developed legislation regulating the provision of port waste reception facilities. One legislative aim is to ensure that ports receive advance notification of ships' waste discharge intentions.

The universal application of a advance notification or similar procedure should ensure that ports receive a regular supply of documented material. They may use this to monitor the provision and adequacy of their facilities, which will greatly assist the port waste management planning and review process. The principle of advance notification is complementary to, and consistent with, best practice of port waste management planning. States may wish to consider the positive merits of introducing into their domestic regimes an obligation for ships to submit a waste discharge form prior to entry into port.

In any case, to maintain and improve the adequacy of its facilities the port administration, working with port waste facility providers, should ensure that an effective advance notification and monitoring arrangement is in place. Such arrangements need to be communicated clearly and concisely to all ships (and their agents) prior to port entry. For the arrangements to be effective, ships' masters should provide the port with their waste discharge requirements at least 24 hours in advance of arrival, or for passages of shorter duration, as soon as is practicable.

5. PLANNING A PORT WASTE RECEPTION FACILITY

MARPOL 73/78 provides that States Parties have an on-going obligation to ensure the provision of adequate waste reception facilities in their ports. States intending to become Parties to this Convention will also be bound by the same obligations in accordance with the requirements of:

- .1 Regulation 12 of Annex I;
- .2 Regulation 7 of Annex II;
- .3 Regulation 7 of Annex V;
- .4 Regulation 10 of Annex IV (when it enters into force); and
- .5 Regulation 17 of Annex VI (when it enters into force).

The mere provision of facilities, which are then not fully utilised, does not necessarily mean they are adequate. Poor location, complicated procedures, restricted availability and unreasonably high costs for the service provided, are all factors which may deter the use of reception facilities.

The obligation to provide adequate facilities covers all ports, terminals, harbours and marinas visited by commercial shipping and other types of vessels. The effort made by the port to ensure the provision of adequate facilities should be commensurate with the quantities and variety of wastes to be delivered ashore.

Ports cannot provide adequate facilities for users without an accurate assessment of their needs. The IMO Comprehensive Manual on Port Reception Facilities provides extensive guidance on this issue. The development of a port waste assessment procedure, or management plan is vital. This need not be an onerous task and the concept behind such a plan is simple. Ships are customers of the port, and meeting the needs of the ships while they are in port is simple 'customer care'.

Port waste management planning is intended to identify a number of common elements which all ports should consider when planning waste management facilities; regardless of the size and type of the port or the types of wastes received. These common elements are embodied in a framework which can be applied flexibly to any port.

State Parties will need to consider how they can best promote the port waste management concept. The options are:

- (a) as a statutory obligation in their ports, harbours and marinas; or
- (b) through voluntary industry initiatives.

The most effective method for ports to provide adequate facilities is through the consultative process. All interested parties, including port authorities, ship operators, agents and waste service providers and various Government agencies (including those with responsibility to ensure the safe and environmental disposal of wastes) have a role in the consultative process. They should all have the opportunity to express their opinion and influence the provision and use of port waste reception facilities.

Following the initial period of consultation it is important that a process of consultation continues with users. This will ensure that the provision of adequate facilities within the port is consistent and continues to meet users needs, which may vary as the type and volume of traffic change.

During the process of consultation, the port should give consideration to some common elements. In summary, these might include ensuring that facilities:

- .1 are available during a ship's visit to the port;
- .2 do not cause undue delay to ships;
- .3 are conveniently located and easy to use;

- .4 cater for all types of waste streams usually entering the port; and
- .5 do not cost so much to use as to present a disincentive to users.

Ports should also carry out a periodic review of the facilities to ensure that they continue to meet the needs of users. Government, maritime and environmental agencies should contribute to this review process, as appropriate. Reference is made to the Sample Assessment Procedure for Ports in Appendix to these Guidelines. It should be emphasized that this merely serves as an example and the procedure should be amended to suit local circumstances and requirements. Periodic assessment with the aim of identifying areas for improvement is also in the commercial interest of the port. Rectifying deficiencies will enhance the quality of services provided and thus the commercial attractiveness of the port.

Ports should consult their appropriate national authorities, or the appropriate delegated authorities, with regard to the final treatment and disposal of ships' wastes delivered ashore. Those responsible for the collection and treatment of wastes may require licensing arrangements. The appropriate authority responsible for waste disposal should deal with these arrangements.

While producing a management plan, ports should consider how to inform users of the location, cost and procedures for using the facilities. It will be important for the port to consider how it might best publicise the availability of facilities and provide ships with names, fax, telephone, e-mail and availability details of appropriate contacts ashore.

Bodies who may provide a useful source of information during the consultation process include:

- .1 trades associations;
- .2 ships' masters, owners and agents;
- .3 the IMO (e.g. for technical advice); and
- .4 the national and local administration, e.g. marine, environment, waste disposal planning and legal departments.

All States Parties have an obligation to provide reception facilities for all specified MARPOL 73/78 wastes from all ships normally calling at their ports. However, it is recognized that some port authorities may face particular problems meeting this obligation. To identify possible solutions the port waste management planning process is particularly useful.

Port waste management planning on a regional arrangements can provide a solution when it is undertaken in such a manner as to ensure that vessels do not have an incentive to discharge wastes into the sea. In the development of such regional plans it is imperative that the dedicated waste storage capacity of vessels involved is sufficient to retain their wastes between ports of call. Such planning may require close collaboration between States.

In judging the adequacy of waste reception facility at individual ports within a regional plan, States Parties to MARPOL 73/78 will need to have particular regard to the ability of all ships to discharge all of their wastes within the region.

6. PORT WASTE FACILITIES - ASSESSMENT STRATEGY

An integral element of the planning and ongoing management of port waste reception facilities is the collection and assessment of information regarding port user requirements. Using a waste reception facility auditing or assessment strategy is one of the best methods of achieving this.

Such a strategy may support the principle of port waste management planning, providing for the evaluation of existing facilities and the assessment and effectiveness of waste management programmes operating within a port. For example, it may be possible to identify a correlation between the adequacy of port waste reception facilities and local levels of marine pollution and debris.

Assessment procedures

Most importantly, the collection of relevant data should reveal existing weaknesses in port and ship practices and allow for the implementation of improvements. A key component of any assessment strategy is its ability to facilitate the collection and interpretation of all necessary information. An example of such a procedure is set out in the Appendix to these guidelines.

The procedure annexed to these guidelines provides an example of a detailed audit that might be conducted by a third party, e.g. by a consultant. Many types of assessments will not require such a comprehensive approach. For example, a self-assessment by a port authority would not require the use of the whole of the procedure outlined in Appendix to these guidelines.

The procedure is primarily aimed at large commercial ports. However, it can readily be adapted to suit smaller harbours and marinas. In its current format, the procedure offers a systematic checklist of questions designed to obtain information about current port facilities, demand, and the type and level of waste service provided.

In any case, it will be necessary to provide initial training to both private and public sector assessors to ensure that an objective assessment of ports waste facilities is undertaken. When undertaken by government authorities, the assessment procedure should ideally apply to all ports, marinas and harbours within a State's jurisdiction according to systematic criteria that reflect the size of the port or harbour, the types and volumes of traffic that pass through it, and the waste streams regularly delivered ashore by users. It therefore follows that the approaches will differ between commercial ports, marinas and fishing harbours.

Waste management systems within a port do not exist in isolation from the rest of the port infrastructure, but rather are an integral part of the entire package of facilities and services offered by the port. Assessments and plans for waste reception facilities in a port must be linked to other infrastructure developments within the port complex if their value is to be optimised.

Use of the waste management planning assessment procedures

The waste management planning assessment procedures may be used as follows:

- in commercial ports, marinas and harbours, as part of an overall strategy demonstrating good waste management practice;
- by regulatory agencies, where there is a need to conform to waste licence or compliance regulations, or to undertake a needs analysis;
- by the managers of waste service providers, to assess performance and by port users; and
- a means by which States Parties to MARPOL might demonstrate their compliance with Article 11 (1) (d) of the 1973 Convention.

Implementation of the assessment procedures

The assessment could be both an objective and independent exercise from that carried out for port waste management planning purposes.

- Assessors should be able to demonstrate adequate expertise (with the assistance of the assessment protocol and procedure) and experience in the conduct of environmental assessments.
- Most environmental consultants, and many environment, health, and safety experts employed in the waste management industry have the appropriate expertise and experience to carry out such audits.
- All States should consider this option, resources permitting.
- Any assessment forms and procedures developed by States should be shared with reception facility managers in order further to promote industry self-evaluation and improvements in management practices.

7. TYPE AND CAPACITY OF WASTE RECEPTION FACILITIES

Waste facilities should be available in all ports where there is a need for ships to discharge wastes ashore. They should be easily accessible and equipped to deal with the various waste streams and quantities that users deliver. Reception facilities must be able to deal with the range of wastes that is likely to arise from ships normally using the port. Where appropriate the facilities should be capable of handling:

- Annex I - oily waste, from engine room tanks, slop tanks etc.;
- Annex II - noxious liquid substances e.g. from tank cleaning activities;
- Annex V - garbage;

- Annex IV - sewage (not yet in force); and
- Annex VI - ozone depleting substances and exhaust gas cleaning residues (not yet in force).

On occasion, this may mean going beyond the strict requirements of the MARPOL Annexes that are in force. Inadequate facilities may encourage a master to discharge wastes at sea or to overload the waste storage capacity on board the ship.

It is necessary for ports to provide adequate facilities to cater for each type of wastes delivered by ships using the port: both cargo residues and wastes generated on board ships. Following the consultation process the port will be in a better position to tailor the facilities it provides to meet individual circumstances according to the port's normal traffic patterns.

For various waste streams, where appropriate, port administrations may prefer ship operators, or their agents, to make their own arrangements with waste contractors. However, the port administration must retain responsibility for ensuring that the facilities provided by the contractors are sufficient for the amounts and types of wastes received. It does this by exercising general oversight as part of its waste management plan or waste facility assessment process.

Ports will wish to consider the potential human and environmental risk associated with combining different waste streams within the same reception facility. Such action may lead to technical problems in the collection, treatment and final disposal of wastes. The waste policy of national authorities should dictate how to handle and contain different waste streams at the port.

Ships and ports should be encouraged to take appropriate measures to promote the separation of wastes. They could provide for the separate collection of materials such as glass, metal paper packaging and plastics for recycling.

The inappropriate storage of waste in shore side receptacles may encourage the introduction of vermin. The design and maintenance of receptacles should avoid the spread of infection and disease.

The use of road tankers and other vehicles for the removal of ships' wastes is common. This method can facilitate the rapid discharge of wastes and minimise undue delay to the ship, provided that it is suitable for the types and volume of wastes on board and the ship's operational needs. Road vehicles will also generally be responsible for the collection and carriage of wastes from the port to the point of final treatment and disposal. Vehicular access to the ship should not therefore be unduly restricted, nor should access to the facilities impede the normal functions of the ship or port. Due regard should, however, be given to ships loading or unloading dangerous cargoes.

Alternatively it might be appropriate to provide barges to collect wastes from ships without interfering with the operations of the ship while it is loading or unloading, or while ships are at anchor away from the dock side. In particular, this would be appropriate where vehicular access is not practicable.

The IMO Comprehensive Manual on Port Reception Facilities provides a useful checklist and considers, in summary, that when selecting a site the following considerations should be taken into account:

- .1 other port operations should not be hindered;
- .2 the risk for wastes to enter the water should be minimised;
- .3 the site should be at a convenient place;
- .4 the site should have sufficient lighting allowing for 24 hour use;
- .5 siting of the facilities should be convenient for users, contractors and vehicles;
- .6 reception facilities should be clearly identified;
- .7 the location of facilities should not impact adversely on the local community; and
- .8 the facilities must comply with national, local and other legislation on garbage collection and processing.

Quarantine Waste

Some States impose specific requirements regarding quarantine waste. The definition of such waste will be a matter for national legislation, and may be based on the protection of specific agricultural products or indigenous wildlife. Quarantine waste may, according to national legislation, require separate receptacles which should be clearly marked and which are sufficiently secure to prevent birds and animals from accessing the facility. The location of such facilities should not present a risk to the human population either at the site or during its transportation, treatment and final disposal.

Ports should ensure that specific national requirements relating to quarantine wastes are properly notified to ships in order that appropriate steps may be taken to ensure that the storage of such waste will prevent the introduction of disease and vermin. The proper management of waste should provide a means whereby the waste can be delivered ashore without presenting a risk to human health, the local land or marine environment.

8. ENFORCEMENT AND COMPLIANCE

Flag and port States should be able to demonstrate that they fulfil the requirements of MARPOL 73/78 obligations by ensuring that the obligation to provide adequate port waste reception facility is complied with, maintained and enforced.

In adopting MEPC/Circ.349 (attached to these Guidelines) for reporting alleged inadequacy of port reception facilities, the MEPC agreed that Parties to MARPOL 73/78 should fulfil their obligations under Regulation 12(5) of Annex I, Regulation 7(4) of Annex II and Regulation 7(2) of Annex V. They can do this by ensuring that whenever shipowners or masters identify an inherent inadequacy of reception facilities a report is made as advised in MEPC/Circ.349. The revised format places an obligation on flag States:

“The flag State shall notify the port State of the occurrence.”

In order for the full benefits of the reporting system to be achieved, when using the Alleged Inadequacy Reporting Form, States should take the following steps:

- .1 Where the flag State and port State are different, the flag State shall inform the port State of the alleged inadequacy and also inform the IMO Secretariat. Notification shall be made as soon as possible following completion of the Alleged Inadequacy Reporting Form (MEPC/Circ.349).
- .2 Where the flag State and the port State are the same, the marine administration should take up the matter of the alleged inadequacy directly with the port or terminal concerned.

The flag State is required to notify IMO of any case where facilities are alleged to be inadequate.

9. ROLE OF FLAG STATE

There are measures that the flag administration should take to ensure that its ships comply with the requirements of MARPOL. For example, the flag State should:

- .1 provide advice to ships flying its flag;
- .2 examine onboard arrangements (safety and counter-pollution) during inspections;
- .3 investigate infringements; and
- .4 prosecute offenders.

The flag State is in a unique position to provide port States with a regular source of detailed information which accurately lists the inadequacies of ports visited by its ships.

Should flag States fail to provide accurate records of inadequacies, port States and the IMO may be unable to resolve matters of alleged inadequacy as quickly as necessary.

The communication process between States Parties must be meaningful for it to provide improvements in the provision of waste reception facilities. It therefore follows that flag States must take responsibility for ensuring that appropriate measures are taken to report matters of inadequacy. Port State administrations will be unable to take action against its ports without the appropriate information to do so.

10. ROLE OF PORT STATE

Port States will need to ensure that domestic legislation provides suitable powers and infrastructure to implement, administer and enforce MARPOL 73/78. Those who fail to comply with the appropriate domestic legislation implementing MARPOL 73/78 should be open to prosecution by the port State whether they be masters, shipowners, port authorities, or terminal operators.

Port States must take the ultimate responsibility for ensuring that adequate port waste reception facilities are available to ships calling at ports within the port State's jurisdiction. Port States shall ensure the provision of waste reception facilities that are adequate and capable of handling the discharge of wastes from regular port users.

Port States should also ensure the provision of proper arrangements to consider and respond appropriately and effectively to reports of inadequacies.

11. ROLE OF THE IMO

The IMO does not act as an enforcement agency in response to allegations of inadequacy of port waste reception facilities. Nevertheless, the obligation for States to report alleged inadequacies to the IMO remains of value. The IMO is in a unique position to raise matters of concern with national administrations. Under the terms of Protocol II Parties to MARPOL 73/78 may submit their case to an arbitration procedure. Where the matter concerns the interpretation of a regulation, Parties may make submissions to the MEPC⁷.

The IMO will continue to provide educational, training and technical assistance both to existing States Parties and to States wishing to ratify MARPOL 73/78.

12. CHARGING

Although no specific or generic system for charging is recommended, the IMO has recently revised its Comprehensive Manual on Port Reception Facilities (chapter 11). This contains a number of options which ports may wish to consider as a means of recovering the cost of providing adequate facilities. However, the cost should not be a disincentive to use of the facilities.

13. REGIONAL CO-OPERATION

Given the transboundary nature of marine pollution, the requirement for States to ensure the provision of adequate waste reception facilities may be further improved by regional agreements.

States Parties, by reaching consensus on a regional framework may bring about significant improvements to the region's marine environment. Such arrangements may also provide States with a basis for co-operation on enforcement and charging principles and the exchange of technical information. Examples of such regional arrangements include those either in place or under development between:

- .1 Baltic Sea States;
- .2 Australia and New Zealand;

⁷ The provisions are contained in Protocol II to MARPOL 73/78 and summarised in 'MARPOL - How To Do It'. Providing that States follow the approach to the provision of adequate waste facilities contained in these Guidelines, and that consultation between user and provider is meaningful, invoking the arbitration procedure should not be a necessary course of action other than in the most exceptional circumstances.

- .3 members of the Regional Organisation for the Protection of the Marine Environment (ROPME); and
- .4 Member States of the European Union.

14. INDUSTRY CO-OPERATION

In ensuring the provision of adequate facilities, the ports and shipping industries, together with the waste disposal industry should consider methods for revising and upgrading existing discharge, transportation and final disposal methods. The involvement of all parties concerned should make it easier to find innovative approaches to overcome practical problems.

There are currently a number of associations that provide the shipping industry with details of reception facilities at many ports throughout the world. Port administrations should ensure that these data bases include information on the facilities available in their ports. The details of these organisations are readily available through the IMO.

15. TRAINING

At sea

Whilst the onus is on port States to ensure the provision of adequate facilities, the role of the mariner is also essential. The requirements of MARPOL 73/78 and of the ISM Code are clearly defined. The implementation of the ISM Code in compliance with international and flag State legislation provides for the safe operation of ships, the safety of their crews and assists in the protection of the marine environment. The ISM Code provides, *inter alia*, that every Company should:

- .1 develop a safety and environmental protection policy;
- .2 provide instructions and procedures to ensure safe operation of ships and protection of the environment in compliance with relevant international and flag State legislation; and
- .3 ensure that all personnel on assignments related to safety and protection of the environment are given proper familiarisation with their duties.

On shore

All personnel involved in the collection, handling and disposal of ships' wastes need to be aware of the State's national legislation and waste management policies. Personnel should be given appropriate training.

States may wish to consider the human implications of handling certain types of wastes. Trained personnel involved in the collection or handling of noxious and harmful substances may be able to minimise the threat of accidental injury or the potential spread of disease, purely by being aware of the potential risk that they and the local environment face. Such measures may already be a requirement of the national environmental or waste management policies.

APPENDIX

**Sample Assessment
Procedure for Ports**

**Management/Assessment Strategy for Waste Reception Facilities
at Ports, Marinas and Boat Harbours
Assessment Procedure - Ports**

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SECTION A ASSESSMENT DETAILS

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- Section D 3 Sewage
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- Section D 5 Waste Management System

SECTION E ASSESSMENT OF ADEQUACY OF SERVICE

Section A Assessment Details

Auditor:	Organisation & Address:	Contact Details Phone: Fax:	Date
Name of Port and Location			
Name and Contact Details of Port Representatives			
Name: Position: Organisation: Address: Telephone/Fax: e-mail:			
Name: Position: Organisation: Address: Telephone/Fax: e-mail:			
Name: Position: Organisation: Address: Telephone/Fax: e-mail:			

Section B Summary of Waste Reception Facilities Provided

Type of Waste	Can Waste be Received (Y or N)	Type of Reception Facility (Fixed, Road Tanker or Barge)	Any Limitations in Capacity (m ³)	Service Provider (Port, Private Contractor, State Authority or Other) Indicate the number of service providers
Oily ⁸				
Oily tank washings				
Dirty ballast water				
Oily bilge water				
Oil Sludges				
Used lubricating oil				
Noxious Liquid Substances ⁹				
Category A				
Category B				
Category C				
Category D				
Sewage				
Garbage ¹⁰				
Category 1				
Category 2				
Category 3				
Category 4				
Category 5				
Quarantine Wastes				

⁸ Section 7A.1 of the IMO Comprehensive Manual on Port Reception Facilities

⁹ Regulation 3(1) of Annex II of MARPOL 73/78

¹⁰ Section 3 of the Appendix to Annex V of MARPOL 73/78

Section C Demand for Waste Reception Facilities

Ship Type*	No of ship visits during the period of review	Average Range of dead weight (Tonnes)	Average No. of Persons on Board	Oily Wastes	Number of Requests for Waste Collection Noxious Liquid Substances	Sewage	Garbage	Quarantine Wastes
Oil Tankers*								
Crude oil tankers*								
Combination carriers*								
Chemical Tankers*								
General Cargo								
Container Carriers								
Bulk Carriers								
Passenger Ships								
Livestock Carriers								
Fishing Vessels								
Recreational Crafts								
Other								

The ship types marked with an asterisk() are defined in the Annexes to MARPOL73/78. The other types of ships have been indicatively inserted as their operations may influence the reception facilities required.

Section D Assessment of Waste Reception Facilities

Section D 1 Oily Wastes

Question	Yes	No
1 How are the oily wastes disposed of? (Please give details, on separate sheet, if available) separation of oil and water then recycling land disposal recycled incineration other (specify)		
2 Are there any restrictions on receipt or collection of oily wastes by service providers? (Please give details if available) Minimum quantity Maximum quantity Discharge rate (m ³ /hour) Vessel type Vehicle Access to Berth other (specify)		
4 Are oily waste reception facilities available - 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		
5 Is prior notice for receipt of oily wastes required - 0 hours 12 hours 24 hours 48 hours		
6 .1 Is the waste receipt service available: at no cost at a cost incorporated into standing port use charge at a cost charged in addition to other services .2 Is the cost: reasonable in terms of service a disincentive other (specify)		
7 Is a waste collection service available: at all berths at most berths at only one berth to vessels anchored within the port to vessels anchored outside the port other (specify)		

Comments:

Based on the above, please provide an assessment of the provision of waste reception facilities:

 **1 - Less than satisfactory**

 **2 - Satisfactory**

 **3 - Fully meets the requirements**

Section D 2 Noxious Liquid Substances (NLS)

Question	Yes	No
1 Where is the NLS disposed of? (Please give details if available) Directly from the ship to a mobile facility Ships to a holding tanks prior to being pumped out other (specify)		
2 Are there any restrictions on receipt or collection of NLS wastes by service providers? (Please give details if available) Minimum quantity Maximum quantity Discharge rate (m ³ /hour) Vessel type Vehicle Access to Berth		
3 Are NLS reception facilities available - 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 (specify)		
4 Is prior notice for receipt of NLS required - 0 hours 12 hours 24 hours 48 hours		
5 Is the waste receipt service available: at no cost at a cost incorporated into standing port use charge at a cost charged in addition to other services		
7 Is a waste collection service available: at all berths at most berths at only one berth to vessels anchored within the port to vessels anchored outside the port other (specify)		

Comments:

Based on the above, please provide an assessment of the provision of waste reception facilities:

 **1 - Less than satisfactory**

 **2 - Satisfactory**

 **3 - Fully meets the requirements**

Section D 3 Sewage

Question	Yes	No
1 Where is the sewage disposed of? (Please give details if available) Directly to a reticulated sewerage system Directly to a mobile facility Ships to holding tanks then pumped to a mobile facility Ships to on-site treatment facility to sewerage system other (specify)		
2 Are there any restrictions on receipt or collection of sewage wastes by service providers? (Please give details if available) Minimum quantity Maximum quantity Discharge rate (m ³ /hour) Vessel type Vehicle Access to Berth		
3 Are sewage reception facilities available - 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 (specify)		
4 Is prior notice for receipt of sewage required - 0 hours 12 hours 24 hours 48 hours		
5 Is the waste receipt service available: at no cost at a cost incorporated into standing port use charge at a cost charged in addition to other services		
7 Is a waste collection service available to : at all berths at most berths at only one berth vessels anchored within the port vessels anchored outside the port		

Comments:

Based on the above, please provide an assessment of the provision of waste reception facilities:


1 - Less than satisfactory


2 - Satisfactory


3 - Fully meets the requirements

Section D 4 Garbage Disposal – On Shore

Question	Yes	No
1 Where is the garbage disposed of? (Please give details if available) Local Government dump/landfill Private dump/landfill Transfer Station Materials Recycling Facility Don't know		
2 Where are quarantine wastes disposed of? (Please give details if available) incinerator sterilisation deep burial normal landfill		

Garbage Disposal – Ship to Shore

3 Are there any restrictions on receipt or collection of garbage wastes? (Please give details if available) Minimum quantity Maximum quantity Vessel type Vehicle Access to Berths		
4 Are garbage waste reception facilities available - 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		
5 Is prior notice for receipt of waste required - 0 hours 12 hours 24 hours 48 hours		
6 Is the waste receipt service available: at no cost at a cost incorporated into standing port use charge at a cost charged in addition to other services		
7 Is a waste collection service available : at all berths at most berths at only one berth to vessels anchored within the port to vessels anchored outside the port		

Comments:

Based on the above, please provide an assessment of the provision of waste reception facilities:

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- 1 - Less than satisfactory**
2 - Satisfactory
3 - Fully meets the requirements

Section D 5 Waste Management System

Question	Yes	No
1 Has a Waste Management Plan (WMP) been developed and implemented for ship wastes?		
2 Is the Waste Management Plan part of an overall Environmental Management System (EMS) for the port?		
3 Are marinas and fishing harbours covered by the port EMS or required to develop their own EMS?		
4 Does the WMP provide a brief summary of the types of wastes received and the collection and disposal facilities/services?		
5 Does the WMP address and provide management objectives for:		
6 <i>Operations:</i> Facility Management Maintenance Signage Infrastructure Contractual arrangements Emergency Response Seasonal Variations Training and Education Delegation of Responsibilities and Accountability Compliance with regulatory conditions, including auditing		
7 <i>Technical Standards:</i> Facility Requirements Incorporation of new technologies Cleaning requirements Maintenance of equipment to technical standards		
8 <i>Environmental Considerations:</i> Prevention of pollution to surface waters Noise Emissions Visual Impacts Odour Emissions Special considerations due to surrounding environment (eg. proximity to wetland or mangrove areas) Coastal Processes (eg. extreme tides)		
9 <i>Plans for future expansion / upgrades:</i> Oily Wastes Noxious Liquid Substances Sewage Garbage Recycling of wastes Quarantine wastes		
10 Are contact details held for all waste service providers?		

Question	Yes	No
11 Are the service providers licensed/approved as required by legislation?		
12 Are a copy of the licences on file?		
13 Are a copy of the licences for the waste disposal facilities used by the service providers held on file?		
14 Have receipts for waste disposal been sighted / copies held on file?		
15 Are alternative waste service providers or disposal facilities available (eg spare drums, waste oil recyclers)?		
16 Is there a procedure for choosing waste disposal service providers (eg list of preferred contractors)?		
17 Are the details of back-up facilities available on file?		
18 Does the WMP include an emergency response plan?		
19 Is the plan adequate in that it addresses at least the following issues? <div style="text-align: right; padding-right: 20px;"> spillage of liquid spillage of solids leakage of gas fire or explosion emergency contacts other (specify) </div>		
20 Is information recorded on the quantities of each waste stream which are received, date of receipt, disposal contractor and method of disposal or treatment? (Data sighted/copies attached) <div style="text-align: right; padding-right: 20px;"> Oily wastes Noxious Liquid Substances Sewage Garbage Recycling of wastes Quarantine wastes </div>		
21 Are there variations in the quantities of each waste stream received?: <div style="text-align: right; padding-right: 20px;"> in any one month (eg due to shipping variations) in any one year (eg due to seasonal effects) over a number of years(eg due to industry growth) don't know </div>		
22 Is this information analysed on an on-going basis to detect changes in usage (both short term season variations and long term growth or reductions) and assist in formulating future plans? (Graphs sighted)		
23 Is on-going consideration given to changes in demand for waste reception facilities ?		
24 Do plans exist for future upgrades, extensions or reductions to the waste reception facilities?		
25 Is there an on-going process for reviewing existing facilities and determining changes that may be required to meet adequacy, timing or waste generation demands?		

Question	Yes	No
26 Are there provisions for audits against the WMP (at least within 2 years of implementation and thereafter every 3 years?)		
27 Is there provision for periodic review of the WMP?		
28 Are the relevant requirements of the MARPOL 73/78, UNCLOS and IMO generally adhered to by the users of the port?		
29 Is there information on the state and local regulations regarding (please list legislation if known): <div style="text-align: right; padding-right: 20px;"> Waste management Pollution of water Pollution of air Noise emissions Discharges to sewer Storage of dangerous goods Local Government requirements </div>		
30 Is there information on waste minimisation hierarchy ie avoid / reduce / reuse / recycle / reprocess?		
31 Is an open and co-operative relationship maintained between the port authority and the relevant authorities and agents?		
32 Are there channels of communication and consultation with relevant organisations to ensure that particular changes in demand are considered in providing waste reception facilities? (Give examples of consultation methods)		
33 Do training programmes for port employees (both of the port authority and users) include a section on waste management and the facilities provided at the port?		
34 Is there a section in the WMP or a separate document which is included in agreements with port users and specifies requirements for the usage of port waste reception facilities?		
35 Is clear and visible signage for waste reception facilities present and includes: advice at initial vessel contact point of waste reception facilities: direction to receptacle or disposal point location: labelling of all receptacles and disposal points: contact numbers: emergency procedures: translation into other languages as required:		
36 Are there information sheets/ leaflets available for each waste reception facility?		
37 How is this information conveyed to ships?		

Comments:

Based on the above, please provide an assessment of the waste management systems:

  

1 - Less than satisfactory 2 - Satisfactory 3 - Fully meets the requirements

Section E Assessment of Adequacy of Service

Organisation:	Representative Interviewed:	Contact Details Address: Phone: Fax	Interview Date:
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In the view of the representative interviewed what overall rating would be given for the waste reception service:

-  1 - Less than satisfactory
  2 - Satisfactory
  3 - Fully meets the requirements

Please provide details of the good aspects of the waste reception services:

Please provide details of the deficiencies of the waste reception services:

Based on the above, please provide an assessment of the adequacy of waste reception service:

-  1 - Less than satisfactory
  2 - Satisfactory
  3 - Fully meets the requirements
