

MARINE ENVIRONMENT PROTECTION
COMMITTEE
63rd session
Agenda item 7

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**INTERPRETATIONS OF, AND AMENDMENTS TO, MARPOL
AND RELATED INSTRUMENTS**

Guidelines for the Development of a Regional Reception Facilities Plan

**Submitted by Australia, the United States and
the Secretariat of the Pacific Regional Environment Programme (SPREP)**

SUMMARY

Executive summary: This document presents draft Guidelines for the Development of a Regional Reception Facilities Plan to complement the amendments to MARPOL on regional arrangements for port reception facilities which will be considered by MEPC 63. The co-sponsors have worked together to refine the text originally presented as annex 2 to document MEPC 62/7 and request that the Committee considers the draft Guidelines with a view to adoption at this session.

Strategic direction: 7.1

High-level action: 7.1.3

Planned output: 7.1.3.2

Action to be taken: Paragraph 3

Related documents: MEPC 49/22; MEPC 55/9/1, MEPC 55/23; FSI 14/13/2, FSI 14/19; MEPC 58/9; MEPC 59/24; BLG 14/17; MEPC 60/6/4, MEPC 60/6/12, MEPC 60/22; MEPC 62/7; BLG 15/19, paragraph 11.61 and annex 9; MEPC/Circ.470; MEPC/Circ.469/Rev.1; MEPC.1/Circ.671 and resolution MEPC.83(44)

1 At its sixty-second session, in July 2011, MEPC approved amendments to MARPOL Annexes I, II, IV, V and VI which will institutionalize regional arrangements for port reception facilities in unique circumstances.

2 MEPC 62 also considered draft Guidelines for the Development of a Regional Reception Facilities Plan, and invited interested parties to work together to refine the text for further consideration by MEPC 63. This document presents the outcome of this intersessional work by the co-sponsors Australia, the United States and SPREP.

Action requested of the Committee

3 The Committee is invited to consider the draft Guidelines annexed to this document with a view to adoption, so as to complement the amendments to MARPOL on regional arrangements, also considered for adoption at this session.

ANNEX

**RESOLUTION MEPC.[...(63)]
Adopted on [2 March 2012]**

**GUIDELINES FOR THE DEVELOPMENT OF A
REGIONAL RECEPTION FACILITIES PLAN**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution,

REAFFIRMING the importance of providing adequate facilities for the reception of ships' waste in compliance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 and 1997 Protocols,

RECOGNIZING that the burden of providing reception facilities in all ports has been asserted as a barrier to some States' ratification of MARPOL,

RECOGNIZING that unique circumstances exist in some regions of the world, especially those including small island developing States, which pose unique challenges for these States in meeting international shipping's waste disposal needs,

RECALLING the recognition by the Committee at its forty-ninth session that in certain areas regional arrangements are an acceptable way to satisfy MARPOL obligations to provide reception facilities,

RECALLING ALSO the adoption of amendments to MARPOL Annexes I, II, IV, V and VI by resolutions MEPC....(63) and MEPC....(63) respectively to provide for regional arrangements where a Regional Reception Facilities Plan has been developed in accordance with the Guidelines to be developed by the Organization,

HAVING CONSIDERED a draft text for the Guidelines for the Development of a Regional Reception Facilities Plan,

1. ADOPTS the Guidelines for the Development of a Regional Reception Facilities Plan, as set out in the Annex to this resolution; and
2. INVITES Governments to apply the Guidelines, when considering the development of a regional reception facilities plan, from [...].

ANNEX

GUIDELINES FOR THE DEVELOPMENT OF A REGIONAL RECEPTION FACILITIES PLAN

Objectives of the Guidelines

1 The Guidelines provide guidance for the development of a Regional Reception Facilities Plan (RRFP) to assist Member States in specific geographic regions of the world in the appropriate and effective implementation of [Annex I regulation ...], [Annex II regulation ...], [Annex IV regulation ...], [Annex V regulation ...] [and Annex VI, regulation ...] of the International Convention for the Prevention of Pollution from Ships.

Application of the Guidelines

2 The Guidelines are provided to assist Governments to develop appropriate and effective regional waste reception facilities' arrangements that meet the needs of international ships calling at ports and terminals within an identified geographical region. Detailed proposals for regional arrangements for port reception facilities should be submitted to the Marine Environment Protection Committee (MEPC) for review and comment, in accordance with the Organization's rules for submissions. Submissions should be co-sponsored by all Member States whose ports and terminals will participate in the proposed Regional Reception Facilities Plan. Before finalizing and implementing the RRFP, the proposing Parties should take into account the comments received as a result of the Committee's review.

Definitions

3.1 *Regional Reception Facilities Plan (RRFP)* – a document developed in accordance with Part 1 of these Guidelines.

3.2 *Regional Ships Waste Reception Centre (RSWRC)* – a port identified in the Regional Reception Facilities Plan where adequate reception facilities for all MARPOL wastes are available.

3.3 *Period of review* – time in years after which an RRFP is to be reviewed, with a view to ensuring that the regional arrangements for port waste reception facilities in place under the RRFP continue to meet the needs of stakeholders and the objectives of MARPOL.

Part 1 – Development of a Regional Reception Facilities Plan (RRFP)

4 *Identification of the region to be covered by a RRFP* – For the purposes of an RRFP, a region should include the participating States and the ports that will be covered by the plan. A map should be provided, clearly showing the States and all ports within the region. It is expected that due to their unique circumstances, RRFPs will be especially relevant for small island developing States and these States will constitute the majority of participants in RRFPs.

5 *Identification of the nature of the unique circumstances that impact on the ability to provide adequate reception facilities* – A clear understanding of such unique circumstances will lead to a logical approach to designing regional arrangements that most efficiently address those circumstances. Generally, such circumstances will include practical difficulties on the part of a State to manage its own domestic waste, or a disproportionate additional

burden from ships to the domestic waste stream. The inability to recover the costs of providing reception facilities at a reasonable rate from reception facility users may discourage the provision of facilities. Distances between ports and suitable waste processing facilities may result in unacceptable costs for transport which may increase the risk of inappropriate treatment. A State's small geographical size may limit the space available to process or dispose of waste, as may geomorphology (for example high water table or unstable land areas on low lying islands). A small population may limit the ability to provide staff to receive and process waste at times convenient to ships. In addition to these examples, other unique circumstances may be present and should be fully described in the RRFP.

6 In demonstrating a compelling need for regional arrangements, alternatives should be explored, costed and assessed in terms of their environmental risk. For example, it may be relatively efficient to receive waste in every port, temporarily store it and transport it to a central treatment plant for processing, while being sure to comply with applicable international law on the transboundary movement of hazardous wastes. The cost of such storage, transport and central processing may be less than providing comprehensive waste processing in the vicinity of every port, and may be more easily funded and/or recovered from port users. However, in some regions, the cost of transport may still be prohibitive and the environmental risk associated with the transport of the waste may be unacceptable.

7 Note that regional arrangements are not intended as a quick solution for short-term problems (e.g. where an individual port has a temporary inability to provide adequate reception facilities due to equipment breakdown, industrial action, severe weather etc.). Regional arrangements are intended for ports where the practicality of providing reception facilities is likely to be challenging for the foreseeable future. A clear understanding of the unique circumstances will also help to identify the areas or issues that may be able to be tackled in the long term to enhance the provision of reception facilities throughout the region.

8 *Context for regional arrangements within a broader approach to waste management and implementation of MARPOL* – Regional arrangements should be designed to complement other strategies to improving waste management within a region. It should be clearly understood and documented how regional arrangements will contribute to efforts to improve the ability of a State to effectively fulfil its obligations under MARPOL, or to accede to MARPOL where a State is not already a Party. Parties proposing regional arrangements should ensure that such arrangements would be suited to the vessels calling at ports within the region and would not encourage the discharge of waste into the sea.

9 *International and domestic shipping and the waste disposal needs of ships operating in the region* – Understanding shipping patterns is important to assessing the demand for waste reception in a region and in individual ports. The ships calling at each port within a region should be quantified, as well as the existing number of requests for reception of various waste types. Advice on how to approach this task is given in several IMO documents and publications.¹

10 The types of ships operating in a region should be carefully identified as certain ship types generate particular waste streams and/or are subject to specific waste management requirements. For example:

¹ Refer to resolution MEPC.83(44) on Guidelines for Ensuring the Adequacy of Port Reception Facilities; the Comprehensive Manual on Port Reception Facilities (IMO, 1999); and Circular MEPC.1/Circ.671, Guide to Good Practice for Port Reception Facility Providers and Users.

- oil and chemical tankers – cargo slops from tankers can reach large volumes with high water content compared to other types of ships' waste that is generally more concentrated;
- oil tankers of less than 150 gross tonnage – in most cases these ships are required to retain all oil on board in the absence of slop tanks, oil discharge monitoring and control systems, and oil/water interface detection equipment;
- fishing vessels – damaged or otherwise decommissioned nets can be bulky and contaminated with target and non-target species, including invasive aquatic species and fouling organisms;
- passenger vessels – these generally have larger volumes of garbage and sewage compared to the general merchant fleet; and
- small recreational vessels – may lack or have limited pollution prevention equipment, for example smaller holding tanks and garbage storage areas, basic or no sewage treatment, no bilge water treatment.

11 For a successful regional approach, it is also important to understand the overall voyage pattern of ships calling at ports in the region. Therefore, an RRFP should take account of routes and ports of call, including origin and destination outside the region. A ship should not need to deviate from its route for the sole purpose of accessing waste reception facilities. Aspects of routing and voyage planning that might affect the amount of waste on board ships arriving in a particular region or port, and/or the need to clear waste storage spaces prior to the onward journey, include:

- voyage through a Special Area where certain waste or garbage may not be allowed to be discharged into the sea;
- voyage through a Particularly Sensitive Sea Area where associated protective measures include additional discharge restrictions;
- periods of anchorage prior to entering a port, during which waste may accumulate on board; and
- average times spent in each port, which may provide greater or lesser opportunities to unload waste.

12 *Additional considerations* – There may be other factors that influence the demand for waste reception in a region or a particular port. For example, quarantine requirements within a region, in a particular port, or at the onward destination, may necessitate particular means of waste handling on board and/or in port (e.g. compulsory discharge to shore, incineration requirements, cleaning or disinfection, fumigation). Increased shipboard collection and segregation of recyclable and reusable wastes may also influence demand for reception facilities.

13 *All ports in the region, including type and available facilities* – The RRFP should contain a thorough assessment of the waste reception facilities at all ports and terminals within the region. Several IMO documents and publications provide detailed information on what constitutes adequate facilities and how adequacy can be assessed.² An assessment should also be made of any opportunities to provide adequate reception facilities where such facilities are not already available.

² Refer to resolution MEPC.83(44) on Guidelines for Ensuring the Adequacy of Port Reception Facilities; the Comprehensive Manual on Port Reception Facilities (IMO, 1999); Circular MEPC.1/Circ.671, Guide to Good Practice for Port Reception Facility Providers and Users; Guidelines for the Implementation of MARPOL Annex V; and Guidelines for the provision of Annex VI reception facilities.

14 *Identification of the selected Regional Ships Waste Reception Centres (RSWRC)* – Based on the foregoing assessments and considerations, an RRFP should identify which ports would be Regional Ships Waste Reception Centres (RSWRC). In general, these should be the ports where facilities are adequate to receive all types of waste, including any wastes remaining on board a ship that has visited a port within the region where waste cannot be delivered. RSWRCs should be located so as to be convenient according to the prevailing shipping patterns. This means that ships should not be forced to deviate from their voyage for the sole purpose of delivering waste to shore. RSWRCs should be located so that ships can deliver wastes during normal port visits – that is, where the ship would otherwise have visited for the purposes of unloading, loading, provisioning or lay-up.

15 *Identification of ports with limited facilities (PLF)* – Based on the foregoing assessments, an RRFP should identify which ports have limited facilities (PLF).

16 *Identification of a central point of contact* – A central point of contact should be identified in an RRFP whose role should include:

- maintaining a current version of the RRFP;
- receiving and, where appropriate responding to or redirecting, inquiries about an RRFP;
- facilitating discussions between government, shipping and waste industry stakeholders regarding an RRFP;
- providing consistent information to government, shipping and waste industry stakeholders regarding an RRFP;
- instigating periodic reviews of an RRFP; and
- other functions could also be assigned to the central point of contact, depending on the size and complexity of an RRFP.

17 It is suggested that a government agency or authority, rather than an individual person, is nominated as the central point of contact to encourage continuity through any staff changes. The central point of contact should also be able to respond to enquiries in a timely manner. Hours of contact should be at least the business hours of the agency or authority.

18 *Identification of stakeholder roles and responsibilities* – this should list stakeholders and describe their roles and responsibilities in implementing or operating in a region covered by an RRFP. A generic example is provided below, but should be modified and/or expanded upon to address specific arrangements within a region.

Stakeholder	Examples of roles/responsibilities
Regulators (e.g. environment protection agencies, quarantine authorities, maritime authorities)	<ul style="list-style-type: none"> ○ Enforcing legislation related to the prevention of pollution from ships, waste management ○ Licensing waste service providers ○ Providing current information to the Organization, including updating GISIS, with respect to port reception facilities
Port users (e.g. ships agents, masters)	<ul style="list-style-type: none"> ○ Maintaining an awareness of how to access information on RSWRCs, PLFs and individual reception facilities in ports.

Stakeholder	Examples of roles/responsibilities
	<ul style="list-style-type: none"> ○ Providing timely advance notification of the need to access reception facilities ○ Submitting formal reports of alleged inadequacies of reception facilities where appropriate
Waste service providers	<ul style="list-style-type: none"> ○ Operating in accordance with relevant legislation ○ Collecting waste from vessels and transporting it to storage or disposal point ○ Treating, reusing, recycling, destroying or otherwise managing waste streams collected by waste transporters ○ Providing current contact details to RRF point of contact and other stakeholders as necessary

19 *Period of review* – an RRF should include a schedule for regular review by the participating States to take into account changing shipping patterns, types of waste, local waste infrastructure and capacity improvements and other relevant circumstances. The aim of such a review process is to ensure that the objectives of the Convention and the needs of ships using ports covered by a RRF continue to be met.

20 *Description of consultations undertaken with stakeholders in developing an RRF* - this will assist in demonstrating to MEPC and stakeholders that the full range of stakeholder needs, roles and points of view have been thoroughly considered in developing an RRF.

Part 2 Consideration of a Regional Reception Facilities Plan by MEPC

21 *Submission to MEPC* – A proposal for a RRF should be submitted to MEPC, at least twelve months before it is expected to come into effect, for review and comment by the full Committee at its next regular session. The proposal should clearly state the date the RA comes into effect. Each submission should be coordinated by the central point of contact and sponsored by all States whose ports are included in the region.

22 MEPC should consider the submission according to the following criteria:

- .1 the region of application is clearly defined:
 - all States and ports participating in the regional arrangements are identified; and
 - a map of the region is provided.

- .2 a compelling need for regional arrangements has been demonstrated through explanation of the unique circumstances that impact on the Parties' abilities to provide reception facilities in every port within the region. It has also been clearly demonstrated that regional arrangements are the only practical means to meet the requirements of MARPOL. The submission should address the following considerations with respect to compelling need:
 - demonstrated difficulty in managing ships' waste in PLFs caused by physical, geographical or logistical circumstances; and

- satisfactory explanation of alternative options that have been considered and why they are impractical or less efficient than regional arrangements.
- .3 the RRFP contributes positively to the ability of the States involved to effectively implement their obligations under MARPOL, or to accede to if not already Party to MARPOL;
- .4 the identified RSWRCs meet the needs of shipping within the region:
- ships generally call at one or more RSWRCs during a voyage within a region;
 - ships generally have sufficient holding tanks and storage space for waste, to retain for discharge to an RSWRC, discharge to sea in accordance with MARPOL, or discharge at a port outside the region;
 - there has been demonstrated consultation with current and expected port users to identify their waste reception needs; and
 - all PLFs are serviced by one or more RSWRCs.
- .5 the stakeholder roles are clear and evidence is presented showing that they have been defined in consultation with the stakeholders;
- .6 a suitable central point of contact has been nominated;
- appropriate administrative arrangements exist for the central point of contact to effectively carry out the role;
 - consultation with stakeholders on suitability of central point of contact has been demonstrated; and
 - telephone, fax and e-mail contact details are provided
- .7 the specified period of review, as outlined in the proposal, is appropriate given anticipated changes in shipping patterns during the period.

23 All substantive comments on the proposed RRFP should be reflected in the report of the Committee.

24 When finalizing the RRFP, the Parties proposing the RRFP should take the MEPC comments into account to enhance the ability of the regional arrangements to meet the needs of shipping. In addressing the comments, the Parties proposing the RRFP may consider actions including, but not limited to, providing additional details in the RRFP, coordinating further with stakeholders, reconfiguring RSWRCs and/or administrative arrangements, and identifying future upgrades to existing facilities. It is recommended that the final RRFP should describe how the MEPC comments have been taken into account.

Part 3 – Communication of information

25 Article 11(1)(d) of MARPOL requires Parties to communicate to the Organization a list of reception facilities including their location, capacity and available waste management services and other characteristics. In addition, there are requirements to notify the Organization how a RRFP takes into account these Guidelines and the particulars of the

RSWRCs.³ Accordingly, a copy of the finalized RRFP should be forwarded to the Organization so that the Organization can notify Parties of the receipt of such information and circulate it to all Parties as required by Article 11(2).

26 In addition, all reception facility contact details for each port should be kept up to date in GISIS, and a link to a website where the RRFP may be accessed should be provided in GISIS. Contact details for the central point of contact for the RRFP should be included. The primary responsibility for updating reception facility details in GISIS remains with the port State, however it may be prudent to assign a role to the central point of contact to monitor currency and encourage regular updates.

Part 4 – Alleged inadequate reception facilities and regional arrangements

27 A regional system based on MEPC/Circ.470 should be established among port States within a region for handling formal reports of alleged inadequate reception facilities received in the IMO consolidated format in MEPC/Circ.469/Rev.1. The primary responsibility for responding to formal reports of alleged inadequate reception facilities remains with the port State, however a regional system may include providing a copy of all relevant correspondence to the RRFP central point of contact, or may include more proactive involvement of the RRFP central point of contact in monitoring the progress of any reports to ensure that reports of inadequacy are addressed by both the port State and the flag State where notifications and responses are required.

³ MARPOL Annex I regulation 38[...]; Annex II regulation 18[...]; Annex IV regulation 12[...]; Annex V regulation 8[...]; and Annex VI regulation 17[...]