

ANNEX 26

RESOLUTION MEPC.221(63)
Adopted on 2 March 2012

**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 ship generated wastes and cargo residues 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 port reception facilities in all ports has been a barrier to some States' ratification of MARPOL,

RECOGNIZING FURTHER that the unique circumstances of Small Island Developing States pose unique challenges for these States in meeting international shipping's needs for discharging ship generated wastes and cargo residues,

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 port reception facilities,

RECALLING ALSO the adoption of amendments to MARPOL Annexes I, II, IV, V and VI by resolutions MEPC.216(63) and MEPC.217(63), respectively, to provide for regional arrangements for Small Island Developing States where a Regional Reception Facilities Plan has been developed in accordance with the Guidelines to be developed by the Organization,

HAVING CONSIDERED the draft 2012 Guidelines for the Development of a Regional Reception Facilities Plan,

1. ADOPTS the 2012 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, upon the entry into force of the amendments to MARPOL Annexes I, II, IV, V and VI on regional arrangements for port reception facilities.

ANNEX

2012 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 regulation 38 of Annex I, regulation 18 of Annex II, regulation 12 of Annex IV, regulation 8 of Annex V and regulation 17 of Annex VI of MARPOL.

Application of the Guidelines

2 The Guidelines are provided to assist Governments to develop appropriate and effective regional port 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 (RA) for port reception facilities should be submitted to the Marine Environment Protection Committee (MEPC) for consultation, in accordance with the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.4, as amended) . Submissions should be co-sponsored by all Member States whose ports and terminals will participate in the proposed RRFP. 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 RRFP where adequate port reception facilities for ship generated wastes and cargo residues regulated under MARPOL 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 RA for port 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 participating States and all ports within the region. The majority of States participating in an RRFP should be Small Island Developing States (SIDS). Although non-SIDS may participate, they should do so only so far as their ports may be Regional Waste Reception Centres. The obligations of non-SIDS to provide adequate reception facilities in all ports and terminals will not be satisfied by RA.

5 *Identification of the nature of the unique circumstances that impact on the ability to provide adequate port reception facilities* – A clear understanding of such unique circumstances will lead to a logical approach to designing RA 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. 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 ship generated wastes and cargo residues, 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 ship generated wastes and cargo residues 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 RA, alternatives should be explored, costed and assessed in terms of their environmental risk. For example, it may be relatively efficient to receive ship generated wastes and cargo residues 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 processing of ship generated wastes and cargo residues 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 ship generated wastes and cargo residues may be unacceptable.

7 Note that RA are not intended as a quick solution for short-term problems (e.g. where an individual port has a temporary inability to provide adequate port reception facilities due to equipment breakdown, industrial action, severe weather etc.). RA is intended for ports where the practicality of providing port 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 port reception facilities throughout the region.

8 *Context for RA within a broader approach to waste management and implementation of MARPOL* – RA should be designed to complement other strategies to improving management of ship generated wastes and cargo residues within a region. It should be clearly understood and documented how RA 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 RA should ensure that such arrangements would be suited to the vessels calling at ports within the region and would not encourage any illegal discharge into the sea.

9 *International and domestic shipping and the needs of ships operating in the region to discharge ship generated wastes and cargo residues* – Understanding shipping patterns is important to assessing the demand for port reception facilities 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 types of ship generated wastes and cargo residues. Advice on how to approach this task is given in several IMO documents and publications.¹

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.

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 ship generated wastes and cargo residues management requirements. For example:

- oil and chemical tankers – cargo slops from tankers can reach large volumes with high water content compared to other types of ships' generated wastes which 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;
- fishing vessels – damaged or otherwise decommissioned fishing gear 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
- 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 port reception facilities. Aspects of routing and voyage planning that might affect the amount of ship generated wastes and cargo residues on board ships arriving in a particular region or port, and/or the need to clear ship generated wastes and cargo residues storage spaces prior to the onward journey, include:

- voyage through a Special Area where certain ship generated wastes and cargo residues 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 ship generated wastes and cargo residues may accumulate on board; and
- average times spent in each port, which may provide greater or lesser opportunities to discharge ship generated wastes and cargo residues.

12 *Additional considerations* – There may be other factors that influence the demand for port reception facilities 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 materials may also influence demand for port reception facilities.

13 *All ports in the region, including type and available facilities* – The RRFP should contain a thorough assessment of the port 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. An assessment should also be made of any opportunities to provide adequate port reception facilities where such facilities are not already available.

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 ship generated wastes and cargo residues, including any ship generated wastes and cargo residues remaining on board a ship that has visited a port within the region where ship generated wastes and cargo residues 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 ship generated wastes and cargo residues to shore. RSWRCs should be located so that ships can deliver ship generated wastes and cargo residues 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; and
- instigating periodic reviews of an RRFP.

17 Other functions could also be assigned to the central point of contact, depending on the size and complexity of an RRFP.

18 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.

19 *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)	- Enforcing legislation related to the prevention of pollution from ships, management of ship generated wastes and cargo residues. - 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)	- Maintaining an awareness of how to access information on RSWRCs, PLFs and individual port reception facilities in ports. - Providing timely advance notification of the need to access port reception facilities. - Submitting formal reports of alleged inadequacies of port reception facilities where appropriate.
Waste service providers	- Operating in accordance with relevant legislation. - Collecting ship generated wastes and cargo residues from vessels and transporting it to storage or disposal point. - Treating, reusing, recycling, destroying or otherwise managing ship generated wastes and cargo residues collected by waste transporters. - Providing current contact details to RRFP point of contact and other stakeholders as necessary.

20 *Period of review* – an RRFP should include a schedule for regular review by the participating States to take into account changing shipping patterns, types of ship generated wastes and cargo residues, 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 RRFP continue to be met.

21 *Description of consultations undertaken with stakeholders in developing an RRFP* – 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 RRFP.

Part 2 – Consultation with MEPC on a Regional Reception Facilities Plan

22 *Submission to MEPC* – A proposal for a RRFP should be submitted to MEPC, at least twelve months before it is expected to come into effect, for review and comment by the 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.

- 23 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 RA are identified; and
 - a map of the region is provided;
 - .2 a compelling need for RA has been demonstrated through explanation of the unique circumstances that impact on the Parties' abilities to provide port reception facilities in every port within the region. It has also been clearly demonstrated that RA 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 ship generated wastes and cargo residues 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 RA;
 - .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 ship generated wastes and cargo residues, 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 needs for port reception facilities; 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; and
 - .7 the specified period of review, as outlined in the proposal, is appropriate given anticipated changes in shipping patterns during the period.

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

25 When finalizing the RRFP, the Parties proposing the RRFP should take the MEPC comments into account to enhance the ability of the RA 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. The final RRFP should describe how the MEPC comments have been taken into account.

Part 3 – Communication of information

26 Article 11(1)(d) of MARPOL requires Parties to communicate to the Organization a list of port 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. 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).

27 In addition, all port 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 port 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 port reception facilities and regional arrangements

28 A regional system based on MEPC/Circ.470 "Waste reception facility reporting requirements" should be established among port States within a region for handling formal reports of alleged inadequate port reception facilities received in the format set out in MEPC/Circ.469/Rev.1 – "Revised consolidated format for reporting alleged inadequacies of port reception facilities". The primary responsibility for responding to formal reports of alleged inadequate port 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.
