



Recommendation: Optimization of port reception facilities to reduce the occurrence of marine litter



Working Group on Sea-based Sources
of the Round Table on Marine Litter

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Marine litter and the role of port reception facilities

Pollution of the sea with litter to the extent that we are currently experiencing is an increasing ecological, social and economic problem. Plastics make up the largest share of this litter at about 75%. The European Marine Strategy Framework Directive (MSFD 2008/56/EC) requires member states to regulate inputs in such a way that by 2020 the properties and quantities of marine litter do not cause harm to the coastal and marine environment.

The types of waste considered in the present recommendation are based on the MARPOL Annex V grouping and include plastics (A), food wastes (B), domestic wastes (C), cooking oil (D) and fishing gear (I); hereinafter referred to as ship-generated waste.

One of the measures of OSPAR's Marine Litter Regional Action Plan (OSPAR Commission 2015) states the need for regional coordination for the adequate implementation of the EU Directive on port reception facilities for ship-generated waste and cargo residues (2000/59/EC – subsequently referred to as the Port Reception Facilities Directive) (Action 30). On the other hand, HELCOM's Regional Action Plan on Marine Litter addresses such issues as comprehensive implementation and harmonization of the „No Special Fee“ system (RS3).

At the European level, the relevant marine litter aspects of the Port Reception Facilities Directive are currently being revised by the European Sustainable Shipping Forum (ESSF), and its subsidiary Sub group on Port Reception Facilities. In Germany, measures under the MSFD, as well as the OSPAR and HELCOM Regional Action Plans, on sea-based sources, are operationalized by the Working Group on Sea-based Sources (WG SBS) of the Round Table on Marine Litter. Optimizing waste management practices in German and European ports is one of the focal points of this working group. The recommendation of the WG SBS is set out below.

Recommendation of the WG SBS to optimize the handling of ship-generated waste in ports

MARPOL Annex V and the Port Reception Facilities Directive provide legal obligations for the handling of ship-generated waste at sea and its disposal practices in ports worldwide and within the European Union, respectively.

The WG SBS supports the objectives of the Port Reception Facilities Directive (2000/59/EC) and MARPOL Annex V for the prevention of marine pollution from ship-generated waste, and welcomes the fact that far-reaching possibilities for the disposal of ship-generated waste have already been created, especially in German seaports.

The WG SBS considers the system prescribed by the Port Reception Facilities Directive to be sufficient in principle, but believes that optimization of the harmonization of the design and implementation should be sought in European ports.

The WG SBS is pursuing and recommending the following principles in advance of the anticipated draft of the revised Port Reception Facilities Directive:

1. Harmonization of the fee system („No special fee“)

The current Port Reception Facilities Directive allows member states to use a wide range of different fee systems. A harmonized fee system would constitute an incentive for shipping to deliver waste ashore.

The WG SBS recommends harmonization of the cost recovery system within EU member states. The „No special fee“ system in the Baltic Sea (HELCOM Recommendation 28/1 of March 2007) as well as common practice in German seaports can be regarded as good examples of functional, transparent, and standardized fee systems.

The following principles should be met by any applied fee system:

- A cost recovery system should be sought at ports to ensure that ship-generated waste types and quantities usually generated on board are appropriately delivered to the port reception facilities in accordance with MARPOL Annex V (Resolution MEPC.219(63)). These standard waste quantities cover the delivered quantities including its associated costs for the respective port.
- The fee system should be indirect. Fees for the delivery of standard quantities of waste should be charged as well as the port fee. A system that only charges for the quantity of actually delivered waste is rejected because such system does not encourage the delivery of waste to the port reception facility. The standard quantities defined above should be considered as amounts exempted from additional fees. Waste amounts above the defined standard quantities are billed separately.

- The fee system should be transparent so that port users can easily and comprehensively find out about and understand (also in English) the possibilities of waste delivery and related fees (e.g. via records in the Port Reception Facilities Database (IMO GISIS)). The type and quantity of waste that can be landed in the port according to the fee system at no extra cost, should be clearly stated.
- The revision of the Port Reception Facilities Directive should substantiate the meaning of „a significant contribution to the costs“ (Article 8 (2a) of the Port Reception Facilities Directive) and the requirement that „all ships [...] should pay an appropriate percentage, of no less than one-third, of the costs“ (Article 8 (4) of the Port Reception Facilities Directive). Such a substantiation ensures a uniform application by all member states.

2. Adequacy of port reception facilities

In accordance with the requirements of the Port Reception Facilities Directive and MARPOL Annex V, member states are obliged to ensure sufficient availability of port reception facilities. The reception facilities – including both the delivery of the ship-generated waste and the further removal from the port – should, on the one hand, take into account the needs of the incoming ships to the port, without unduly delaying them, and, on the other hand, the type and amount of the resulting ship-generated waste (based on Article 4, paragraph 1 and 2 of the Port Reception Facilities Directive). At the same time, there should be a target of simplified and time-efficient administration, including documentation according to the garbage management reporting system under MEPC.219(63), Article 6.2.4.

At present, adequate reception facilities are not provided in all European ports. From the point of view of the WG SBE this contributes to the fact that waste is also disposed of illegally at sea. The WG SBS welcomes the fact that all major ports in Germany provide port reception facilities for shipping, but recommends that Germany advocate a stricter implementation of the Port Reception Facilities Directive in Europe, with the aim of ensuring the availability of adequate reception facilities all across Europe.

3. Optimization of reception facilities for ship-generated waste disposed on land

In compliance with MEPC.219(63), the assessment of the adequacy of reception facilities should also take into account the technical challenges associated with the recovery, treatment and disposal of ship-generated waste. Furthermore, responsible measures should be taken to consider the standards for waste treatment. For the management of waste, the appropriate legal framework in Europe and Germany is the EU Waste Framework Directive (2008/98/EC) with its associated regulations, including the EU Packaging and Packaging Waste Directive (94/62/EC).

Currently, ship-generated waste in many ports cannot be disposed of separately according to materials or garbage groups, but is mixed in the ports in the existing collection containers. Nor does the Port Reception Facilities Directive currently contain any specific requirements for the further management of individual waste streams after its landing, e.g. for bio-waste, batteries, packaging (including metals, paper, plastic, etc.), electronic waste and fishing gear.

This leads to the following failing: on many ships, considerable effort is made to separate and store waste in accordance with the specific waste treatment plan (Resolution MEPC.219(63)). The mixing of the various waste groups in unsuitable port reception facilities undoes the efforts made on board and the possibilities of subsequent recycling/recovery.

The WG SBE therefore recommends that separate collection of different waste groups should be ensured by port reception facilities. Only in this way can the landed ship-generated waste be managed in accordance with the German Circular Economy Act ('Kreislaufwirtschaftsgesetz'). To protect against health impact and the spread of animal diseases, special legislation must be observed during further waste treatment.

4. Optimization of waste reception and handling plans and implementation controls

It is understandable that there are differences between the waste reception and handling plans of individual ports as not all ports can and must have the same facilities in terms of capacity, type of waste accepted, and the formal procedure of waste reception. In order to verify that the plans meet the practical needs of the users, shipping associations should be involved in drawing up the plans. Users should be given an increased opportunity to contribute to the proposed plans and provide feedback on their adequate implementation. Of primary concern are the scope of the services offered, the charging system, and the offer of the port reception facilities with regard to waste volumes, types, and quantities.

Furthermore, the current implementation of existing waste reception and handling plans and waste management practices in many European ports is inadequate, also because of insufficient implementation controls.

A key objective of the plans should include providing shipping with such information about the procedures on site. The drawing up of the plans should therefore keep the bureaucratic burden involved as low as possible.

5. Enforcement of international and European legislation

Checking and inspecting ships is usually carried out in port by the competent authorities.

In addition, maritime surveillance is carried out by ship patrols of the national coastguard and the coastal states coastguard, as well as by surveillance flights.

However, communication between all parties involved is often insufficient to effectively identify violations against MARPOL Annex V and thus prevents adequate sanctioning.

Regarding enforcement, the WG SBS refers to the measures of the OSPAR and HELCOM Regional Action Plans.

6. Ship-generated waste from fisheries

In principle, the Port Reception Facilities Directive and MARPOL Annex V also apply to fishing vessels. The fee system and provided reception facilities for fishing vessels vary significantly, both nationally and internationally.

The German fishing fleet and fishing vessels calling at German ports are mainly from coastal fisheries. For ship-generated waste from coastal fisheries, there are different waste management practices and fee systems that are adapted to local conditions. For marine litter caught as bycatch, the strengthening and extension of the initiative Fishing for Litter¹ is already ensured e.g. in Germany. In addition, many ports accept plastic bycatch free of charge.

In the meantime, the Fishing for Litter project, the MARELITT Baltic project, and an initiative of a producer organisation of German shrimp fishermen ("Erzeugergemeinschaft der Deutschen Krabbenfischer") also cover the return of disused nets, net remnants, and waste from net repair through the provision of separate waste facilities. The WG SBS recommends consolidation of these. From the point of view of the WG SBS, there is therefore currently no need to change the existing directives or domestic garbage disposal practices for inshore fisheries. For offshore fishery and respectively vessels over 24 m, similar principles should apply to port reception facilities as in the rest of the shipping industry.

7. Introduction of an environmental fee system

The voluntary introduction of an environmental fee system as an incentive for equipping ships with environmentally friendly waste management and efficient environmental management systems, based on transparent criteria and uniform certification, is supported. Although there is already an initial approach in the current Port Reception Facilities Directive (Article 8, paragraph 2c), this still needs to be substantiated.

Conclusion:

The WG SBS is convinced that implementation of this recommendation will improve the management of ship-generated waste in ports in Europe and ultimately reduce the disposal of waste into the sea. In terms of ship-generated waste, this will help to achieve the goals of the circular economy.

The WG SBS has every interest in constructively contributing to and supporting the ongoing discussions of the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety/ Federal Ministry of Transport and Digital Infrastructure, as well as contributing via the respective German delegates to the European process of revising or elaborating the Port Reception Facilities Directive.

¹ Further information about Fishing for Litter: <https://www.nabu.de/natur-und-landschaft/aktionen-und-projekte/meere-ohne-plastik/fishing-for-litter/index.html> (German) and <http://www.fishingforlitter.org.uk/> (English)

In order to jointly strengthen measures against marine litter, the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, the Lower Saxony Ministry for the Environment, Energy, Building and Climate Protection, and the Federal Environment Agency launched the Round Table on Marine Litter in March 2016. The Round Table aims to implement measures to combat marine litter that are part of the National Programme of Measures of the Marine Strategy Framework Directive (MSFD 2008/56/EC) and adopted within the Regional Action Plans on marine litter in the North–East Atlantic and the Baltic Sea (OSPAR, HELCOM). The Round Table consists of three working groups (WG): the WG on Sea-based Sources is under the auspices of the Lower Saxony Minister for the Environment Stefan Wenzel, the WG on Land-based Sources is supervised by the President of the Federal Environment Agency, Maria Krautzberger, and the WG on Awareness Raising by Federal Environment Minister Barbara Hendricks.

The WG SBS deals with the measures to reduce the occurrence of litter from sea-based sources. In this context, one of the central topics is the optimization of port reception facilities in Germany and Europe.

The paper presented here by the WG SBS of the Round Table on Marine Litter is therefore intended as a recommendation for optimizing the harmonization of the interpretation and implementation of the EU Directive on port reception facilities for ship-generated waste and cargo residues (2000/59/EC) in European ports. Against the background of the complexity of the ecosystem, the diversity of pressures on the marine environment, the heterogeneity of its uses, and the large number of different interests, the members of the WG have often had to follow the path of compromise to develop this joint recommendation, with the aim of reducing the occurrence of marine litter. However, it should be noted at this point that it is not possible for the positions of the individual stakeholders to be fully expressed.

Participants in the WG SBS are representatives from the fishing and shipping industries, port operators, the plastics industry, science, the media, state, federal and local authorities, as well as non-governmental environmental organisations and foundations, which are listed below in alphabetical order:

Alfred-Wegener-Institut Helmholtz-Zentrum für Polar- und Meeresforschung, Behörde für Umwelt und Energie Hamburg, Berufsgenossenschaft für Transport und Verkehrswirtschaft, Blinker, BUND-Meeresschutzbüro, BUND Inselgruppe Föhr, Bundesamt für Seeschifffahrt und Hydrographie, Bundesministerium für Umwelt, Naturschutz, Bau und Reaktorsicherheit, Bundesministerium für Verkehr und digitale Infrastruktur, Bundesverband der Deutschen Entsorgungs-, Wasser und Rohstoffwirtschaft e.V., ContiTech Transportbandsysteme GmbH, Cruise Lines International Association- Germany Inc., Deutsches Meeresmuseum, Erzeugergemeinschaft der deutschen Krabbenfischer GmbH, Erzeugergemeinschaft Küstenfischer der Nordsee GmbH, Erzeugergemeinschaft der Küstenfischer Tönning, Eider, Elbe und Weser w.V., Greenpeace e.V., Hansestadt Bremisches Hafenamts, Hochschule Emden/Leer, Ing. Lindenau, Institut für Chemie und Biologie des Meeres der Universität Oldenburg, Intersus-Sustainability Services, Landesamt für Umwelt, Naturschutz und Geologie Mecklenburg-Vorpommern, Landesbetrieb für Küstenschutz, Nationalpark und Meeresschutz Schleswig-Holstein, Landwirtschaftskammer Niedersachsen, Maritimes Kompetenzzentrum-MARIKO GmbH, Mellumrat e.V., NABU Bundesverband, Niedersachsen-Ports, Niedersächsischer Landesbetrieb für Wasserwirtschaft, Küsten- und Naturschutz, Niedersächsisches Ministerium für Umwelt, Energie, Bauen und Klimaschutz, Niedersächsisches Ministerium für Ernährung, Landwirtschaft und Verbraucherschutz, One Earth – One Ocean e.V., PlasticsEurope Deutschland e.V., Forschungszentrum Jülich GmbH, REWE Group, Stadtreinigung Hamburg, Stiftung Grünes Bauhaus, Stoppt den Nordseemüll, Surfrider Foundation Europe, s.Pro, Thünen-Institut für Ostseefischerei, Thünen-Institut für Fischereiökologie, Umweltbundesamt, Universität Bremen, Verband Deutscher Reeder, WWF Deutschland Ostseebüro und Zentralverband der deutschen Seehafenbetriebe e.V. .

Contact:

Ralf Kaiser
Lower Saxony Ministry for Environment, Energy,
Building and Climate Protection
Division 24 Surface and Coastal Waters and
Protection of the Marine Environment
[Niedersächsisches Ministerium für Umwelt,
Energie, Bauen und Klimaschutz
Ref. 24 Oberflächen- und Küstengewässer, Meeresschutz]
Archivstr. 2
30169 Hannover
Tel. +49 511 120 3368
E-Mail: ralf.kaiser@mu.niedersachsen.de