

MARINE ENVIRONMENT PROTECTION
COMMITTEE
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Agenda item 10

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INADEQUACY OF RECEPTION FACILITIES

Lack of adequate port reception facilities for the implementation of the revised MARPOL Annex V

Submitted by Liberia, the Marshall Islands, Panama, ICS, BIMCO and INTERCARGO

SUMMARY

Executive summary: This document discusses the problems being experienced by shipowners and operators in obtaining harmful to the marine environment (HME) declarations, required by the revised MARPOL Annex V, and when cargoes have been classified as HME, finding adequate reception facilities at receiving terminals. An interim solution is proposed to alleviate the problems until adequate port reception facilities are available.

Strategic direction: 7.1

High-level action: 7.1.3

Planned output: 7.1.3.1

Action to be taken: Paragraph 7

Related document: MEPC 64/7/9

Introduction

1 MEPC 62 adopted amendments to MARPOL Annex V (resolution MEPC.201(62)). The revised MARPOL Annex V creates a new definition for cargo residues and includes provisions regulating the discharge of cargo residues into the sea, including the prohibition of any discharge of cargo residues classified as harmful to the marine environment. These amendments entered into force on 1 January 2013.

2 At MEPC 63, the *2012 Guidelines for the Implementation of MARPOL Annex V* (resolution MEPC.219(63)) were finalized, including criteria for declaring cargoes harmful to the marine environment (HME) (paragraph 3.2). During discussions on this issue, several delegations expressed concern about the limited time between agreeing the criteria for HME and the entry into force of the revised MARPOL Annex V, particularly with regard to how this would impact upon the availability of adequate port reception facilities (PRF).

3 Prior to the entry into force of the revised Annex V, the International Council on Mining and Metals (ICMM) conducted a survey of ports known to receive cargoes that will or may be classified as HME, to ascertain the extent of adequate PRF provision. This survey, finding that 82 per cent of the surveyed ports would not have adequate PRF, was brought to the attention of the Committee at MEPC 64 (MEPC 64/7/9). This document also suggested that shippers, ports and terminals should be given more time to comply to avoid disrupting trade and to enable these responsible entities to provide shipowners and operators the information required – whether the cargo is or is not HME.

4 MEPC 64 decided that shippers needed more time to be able to classify cargoes using the full set of criteria and agreed to issue circular MEPC.1/Circ.791, to accommodate their concerns. However, ports and terminals were not allowed any further time to provide adequate port reception facilities.

5 As a result of the difficulties experienced by shippers, ports and terminals, consequential problems are being experienced by shipowners and operators in finding adequate reception facilities at receiving terminals, when cargoes have been classified as HME. Further information is provided in annex 1 to this document.

6 As an interim measure, in order to alleviate the operational difficulties and to allow the trade in cargoes classified as HME to continue, it is suggested that an MEPC circular, a proposed draft of which is set out in annex 2 to this document, be issued and remain valid until such time as adequate port reception facilities are in place.

Action requested of the Committee

7 The Committee is invited to consider the information provided in annex 1 of this document and the proposal made in paragraph 6 and annex 2, and to take action, as appropriate.

ANNEX 1

**INFORMATION PROVIDED BY SHIPOWNERS
(EUROPE, JAPAN AND THE REPUBLIC OF KOREA)**

PORT	COUNTRY	TYPE	DISPOSAL
Akita	Japan	zinc	No
Hachinohe	Japan	lead	No
Hachinohe	Japan	zinc	No
Hibi	Japan	copper	No
Hikoshima	Japan	zinc	No
Naoshima	Japan	copper	No
Niihama	Japan		No
Onahama	Japan		No
Saganoseki	Japan		No
Shikama	Japan		No
Bukpyung	Republic of Korea	zinc	Yes
Onsan	Republic of Korea	copper	Yes
Onsan	Republic of Korea	zinc	Yes
Onsan	Republic of Korea	lead	Yes
Huelva	Spain	copper	No
Bruebuettel	Germany	copper	Yes
Antwerp	Belgium	copper	Yes
Antwerp	Belgium	zinc	Yes
Antwerp	Belgium	lead	Yes
Antwerp/Ghent	Belgium		Yes
Rotterdam/Dordrecht	The Netherlands	copper	Yes
Rotterdam/Dordrecht	The Netherlands	zinc	Yes
Rotterdam/Dordrecht	The Netherlands	lead	Yes
Amsterdam	The Netherlands		Yes
Hamburg	Germany		Yes
Stade	Germany		Yes
Constanza	Romania		Yes
Sete	France		No
Rouen	France		Yes
Montoir	France		No
Gdansk	Poland		Yes
Gdynia	Poland		Yes
Istanbul	Turkey		No
Hereke	Turkey		No
Iskenderun	Turkey		No
Heroya	Norway		No
Narvik	Norway		No
Sauda	Norway		No
Kokkola	Finland		Yes
Bremen	Germany		Yes
Dunkirk	France		Yes
Tyne	United Kingdom		No
Immingham	United Kingdom		No
Liverpool	United Kingdom		No
Porto Maghera	Italy		?
Ravenna	Italy		?
Ventspils	Latvia		No
Riga	Latvia		No
Lipeja	Latvia		No
Klaipeda	Lithuania		Yes
Muuga	Estonia		Yes
St.Petersburg	Russia		Yes

FINDINGS OF SURVEY OF MINING COMPANIES BY THE INTERNATIONAL COUNCIL ON MINING AND METALS IN FEBRUARY 2013

1 Two months since the implementation of MARPOL Annex V revisions, mining and metals companies are reporting of experiences related to lack of awareness and implementation.

2 Within companies and business units, there are also differing levels of knowledge and understanding of the requirements of companies who are shipping or receiving bulk cargoes. In part, this relates to a need for greater internal communication and capacity-building for implementation, which will increase with time and experience. There does, however, appear to be greater awareness and availability of port reception facilities. However, the number of ports where no information is available far outweighs those reporting.

3 Nevertheless, this compares positively with the figure of 82 per cent of ports not having PRFs when companies were asked the same question in April 2012. We noted also that two of the ports (Antwerp and Rotterdam) listed at that time as not having PRF did, in fact, have facilities, but companies were unaware.

4 Respondents to the ICMM members noted the following points:

- .1 the majority of mineral ore or concentrate cargoes are not currently classed as HME, so that many companies and ports have not considered the issue fully. This situation may change when consideration of human health criteria is included in 2015;
- .2 in many cases third-party contractors have been appointed to deal with cargo residues and these are often able to handle mineral ore and concentrate residues and wash water. However, there is some concern over liability in the case of third-party contractors being used at ports, and companies would like to see a licensing scheme or similar to ensure that there is a global standard;
- .3 there is a significant variation in the costs to shipping companies for dealing with cargo residues which could lead to trade distortion. At busier ports, the time spent waiting to use discharge facilities can exacerbate this factor;
- .4 some States appear not to have yet implemented the MARPOL Annex V amendments;
- .5 where implementation is taking place, differences are clear in the details and requirements of implementation between States. Notification obligations between IMO port States, for example, are causing confusion for shippers, as some require notification only if a cargo meets the HME criteria, and it is often not clear what information is required and to whom it should be sent.

5 Overall, it may be too early to make a full assessment of the logistical challenges because the changes have only been in force for two months and seasonal variation in shipping schedules for many mean that lower volumes of cargo are shipped in the first quarter of the year.

ANNEX 2

DRAFT MEPC CIRCULAR ON ADEQUATE PORT RECEPTION FACILITIES FOR CARGOES DECLARED AS HARMFUL TO THE MARINE ENVIRONMENT UNDER MARPOL ANNEX V

1 The Marine Environment Protection Committee (MEPC), at its sixty-fourth session (October 2012), noting the short time between publishing criteria for dry bulk cargoes considered harmful to the marine environment (HME) under the revised MARPOL Annex V and the entry into force of the Annex (on 1 January 2013), and recognizing the difficulties this would cause for shippers to classify cargoes, agreed to issue circular MEPC.1/Circ.791.

2 At its sixty-fifth session, MEPC acknowledged that, as a result of the difficulties experienced by shippers, consequential problems are being experienced by shipowners and operators in obtaining HME declarations and, when cargoes have been classified as HME, finding adequate reception facilities at receiving terminals.

3 In light of the above, MEPC agreed that, as an interim solution, cargo hold wash water from holds previously containing cargoes classified as HME, may be discharged providing:

- .1 based upon the information received from the relevant port authorities, the master determines that there are no adequate reception facilities at the receiving terminal;
- .2 the ship is en route and as far as practicable from the nearest land, but not less than 12 nautical miles;
- .3 before washing, dry cargo residue is removed (and bagged for discharge ashore) as far as practicable and holds are swept;
- .4 the volume of wash water used is kept to a minimum;
- .5 filters are used in the bilge wells to collect any remaining solid particles and minimize solid residue discharge; and
- .6 the discharge is recorded in the Garbage Record Book and the flag State is notified utilizing the *Revised Consolidated Format for Reporting Alleged Inadequacies of Port Reception Facilities* (MEPC.1/Circ.469/Rev.1, issued on 13 July 2007).

4 In addition, MEPC urges Member States to ensure shippers within their jurisdiction provide complete cargo declarations in accordance with MARPOL Annex V (and circular MEPC.1/Circ.791) and section 4 of the IMSBC Code.

5 Further, ports and terminals receiving cargoes classified as HME are urged to provide adequate port reception facilities, including for residues entrained in wash water; and in the absence of such facilities, to minimize residues discharged under paragraph 3, terminals should facilitate the discharge of all dry cargo residues ashore, including hold sweepings.

6 Member Governments are invited to bring the content of this circular to the attention of those interested, including port State control authorities, coastguard and maritime surveillance services, as appropriate.
