

## **HELCOM RECOMMENDATION 28E/10**

Supersedes HELCOM Recommendations 19/8, 26/1 and 28/1.

Adopted 15 November 2007  
having regard to Article 20, Paragraph 1 b)  
of the Helsinki Convention

### **APPLICATION OF THE NO-SPECIAL-FEE SYSTEM TO SHIP-GENERATED WASTES AND MARINE LITTER CAUGHT IN FISHING NETS IN THE BALTIC SEA AREA**

#### **THE COMMISSION,**

**RECALLING** Article 8 of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (the Convention) which calls for development and application of uniform requirements for the provision of reception facilities,

**RECALLING ALSO** Article 9 of the Convention stipulating a need for special measures in relation to pleasure craft, which includes the establishment of adequate reception facilities for wastes from pleasure craft,

**CONSCIOUS** that the "no-special-fee" system constitutes a system with the dual purpose of encouraging ships to deliver waste ashore and to avoid undesirable waste streams between ports, thereby encouraging a sound sharing of the waste burden,

**CONSCIOUS ALSO** that the no-special-fee system constitutes one of the prerequisites for a substantial decrease in the number of operational and illegal discharges and thus for the prevention of pollution of the marine environment from ships,

**NOTING** that the port authorities are responsible for providing reception facilities for wastes covered by Annex I (oil), Annex II (noxious liquid substances), Annex IV (sewage) and Annex V (garbage) of the 1973 International Convention for the Prevention of Pollution from Ships as modified by the Protocol of 1978 relating thereto (MARPOL 73/78),

**NOTING ALSO** that the consignor in the loading port is responsible for reception arrangements for cargo-related wastes covered by Annex I (oil residues from cargo tanks) of MARPOL 73/78,

**NOTING FURTHER** that the consignee in the unloading port is responsible for reception arrangements for wastes covered by Annex II (residues of noxious liquid substances) of MARPOL 73/78,

**RECOMMENDS** that the Governments of the Contracting Parties apply the attached Guidelines for the establishment of a harmonised "no-special-fee" system for the operation of reception facilities in their ports as of 1 January 2000 for ship-generated wastes covered by Annex I (oily wastes from machinery spaces) of MARPOL 73/78 and as of 1 January 2006 for wastes covered by Annex IV (sewage) and Annex V (garbage) of MARPOL 73/78,

**RECOMMENDS ALSO** that the litter caught in fishing nets be covered by the "no-special-fee" system,

**TAKING NOTE** of the adoption within the European Union of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues,

**REQUESTS** the Contracting Parties to support or seek active co-operation with the North Sea States for the purpose of establishing a similar "no-special-fee" system also in the North Sea Region,

**REQUESTS ALSO** the Governments of the Contracting Parties to report on the implementation of this Recommendation and attached Guidelines in accordance with Article 16(1) of the Convention.

**Guidelines for the establishment of a harmonised "no-special-fee" system for the delivery of ship-generated oily wastes originating from machinery spaces and for the delivery of sewage and garbage, including marine litter caught in fishing nets, to port reception facilities**

**1 Definition of the "no-special-fee" system**

1.1 In this context the "no-special-fee" system is defined as a charging system where the cost of reception, handling and disposal of ship-generated wastes, originating from the normal operation of the ship, as well as of marine litter caught in fishing nets, is included in the harbour fee or otherwise charged to the ship irrespective of whether wastes are delivered or not.

1.2 The "no-special-fee" system is not restricted to any specific type of ship-generated waste.

**2 Obligation to pay**

2.1 Every sea-going ship's obligation to pay for reception, handling and disposal of oil residues, sewage and garbage is deemed to arise with the arrival of a ship in any port of the participating countries, irrespective of whether or not that particular ship will actually make use of the reception facilities, which are available there.

2.2 The above fee covers the waste collecting, handling and processing including infrastructure and shall be distributed among ships and collected as part of or in addition to the port dues.

**3 Exemptions**

3.1 A ship may be exempted by the competent authority from the obligation to pay, when engaged in regular services and it is ensured that the disposal requirements will be met on the ship's own account.

3.2 For the purpose of these Guidelines "regular services" means a series of ship crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either:

(i) according to a published timetable, or

(ii) with crossings so regular or frequent that they constitute a recognisable schedule.

A crossing should be considered as frequent if the ship visits the port once a fortnight.

3.3. When a ship applies for an exemption, the competent authority of the Port State should require evidence of the ship's scheduled traffic as well as evidence of waste management practice (contract, receipts, copy of garbage record book, oil record book etc.). The ship has to organise its waste management according to a contract and deliver its waste regularly under this arrangement in a certain port/ports. If it chooses to deliver elsewhere, a port can charge the ship according to the real costs (direct fee).

3.4. The Contracting States should also inform about the issued exemptions to other Port States along the scheduled route. The Contracting States will inform the HELCOM Secretariat of their competent authority responsible for granting exemptions from the mandatory delivery and notification requirements.

**4 Basis of calculation of the no-special-fee**

4.1 The waste management fee imposed on a ship should be independent of the volume of the wastes delivered to the port reception facilities. To obtain the maximum of truth and fairness in specifying the ship's contribution to the no-special-fee system the gross tonnage, as indicated in the

vessel's Data Sheet, could be taken as the basis of calculation by the port. Basis of calculation of oil, garbage and sewage may depend on the type and size of the ship as well as the number of crew and passengers.

4.2 A high quality standard of the applied waste management procedures and waste processing equipment on board can also be taken into account in scaling the waste management fee, having in mind the general aim of minimisation of waste production, and the benefit of waste separation.

4.3 The waste management fee shall be fair, transparent and non-discriminatory to all ships, i.e. the size of the waste management fee shall be visible to every ship even if it is included in the harbour fee.

4.4 The waste management fees received from ships shall be used for no other purposes than:

- investments in reception facilities, stationary and mobile;
- operation of reception facilities;
- repair and maintenance costs of such facilities;
- costs of handling, treatment and final disposal of the received wastes.

## **5 Avoidance of competitive distortion**

5.1 To avoid competitive distortions between ports located in different sea areas, all possible efforts shall be made to achieve as soon as possible a harmonised waste management fee system for the ports in the Baltic Sea and in the North Sea Regions.

5.2 The Contracting States involved shall make the necessary efforts in order to implement a harmonised fee system simultaneously in the ports of the Baltic Sea as well as in the North Sea Regions.

5.3 Provisions should be made to preclude any subsidising of the waste management fee through public funds for the operation of reception facilities.

5.4 The Governments of the Contracting States shall exchange periodic reports on the implementation of these Guidelines in their ports, including reports on the financing and operation of reception facilities, and evaluate such reports at the meetings of the Maritime Group of the Helsinki Commission.