

2016 No. 000

MERCHANT SHIPPING

The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2016

<i>Made</i>	- - - -	2016
<i>Laid before Parliament</i>		2016
<i>Coming into force</i>	- -	2016

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and sections 130A(1) and (2) of the Merchant Shipping Act 1995(b).

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to maritime transport(c).

In so far as these Regulations are made in exercise of the powers conferred by section 130A of the Merchant Shipping Act 1995, the Secretary of State has taken into account the need to give effect to the provisions referred to in subsection (2) of that section, and has consulted with the organisations referred to in section 306(4) of that Act(d).

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2016 and shall come into force on 9th December 2016.

Amendment of Regulations

2.—(1) The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003(e) are amended as follows.

(2) In regulation 2(1), for the definition of “the Directive”, substitute the following definition—

““the Directive” means Directive 2000/59/EC of the European Parliament and Council on port reception facilities for ship-generated waste and cargo residues;”(f)

(a) 1972 c.68. Section 2 was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(b) 1995 c.21. Section 130A was inserted by section 5 of the Merchant Shipping and Maritime Security Act 1997 (c.28).
(c) S.I. 1994/757.
(d) Section 306 was amended by paragraph 18 of Schedule 6 to the Merchant Shipping and Maritime Security Act 1997 (c.28).
(e) S.I. 2003/1809 as amended by S.I. 2009/1176.
(f) O.J. L332, 28.12.2000 as amended by Directive 2002/84/EC (O.J. L324, 29.11.2002, p.53), Commission Directive 2007/71/EC (O.J. L329, 14.12.2007, p.33) and Commission Directive (EU) 2015/2087 (O.J. L302, 19.11.2015, p.99).

- (3) For the content of schedule 2, substitute the content of the schedule to these Regulations.
- (4) After regulation 23, insert—

“Review

24.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the operation and effect of regulation 11(1) and schedule 2;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Commission Directive (EU) 2015/2087 (which is implemented by means of regulation 11(1) and schedule 2) is implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by regulation 11(1) and schedule 2;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”

Signed by authority of the Secretary of State for Transport

Date

Name
Minister of State
Department for Transport

SCHEDULE

Regulation 2(3)

Information to be notified before entry into the port of.....

(Port of destination as referred to in Article 6 of Directive 200-/59/EC)

1. Name, call sign and, where appropriate, IMO identification number of the ship:
2. Flag state:
3. Estimated time of arrival (ETA):
4. Estimated time of departure (ETD):
5. Previous port of call:
6. Next port of call:
7. Last port and date when ship-generated waste was delivered, including the quantities (in m³) and the types of waste that were delivered:
8. Are you delivering (tick appropriate box):
 All some..... none..... of your waste into port reception facilities?
9. Type and amount of waste and residues to be delivered and/or remaining on board, and percentage of maximum storage capacity:

If delivering all waste, complete second and last columns as appropriate. If delivering some or no waste, complete all columns.

Type	Waste to be delivered (m ³)	Maximum dedicated storage capacity (m ³)	Amount of waste retained on board (m ³)	Port at which remaining waste will be delivered	Estimated amount of waste to be generated between notification and next port of call (m ³)	Waste that has been delivered at the last port of delivery identified under point 7 above (m ³)

Waste oils						
Oily bilge water						
Oily residues (sludge)						
Other (specify)						
Sewage⁽¹⁾						
Garbage						
Plastics						
Food wastes						
Domestic wastes (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)						
Cooking oil						
Incinerator ashes						
Operational wastes						
Animal carcass(es)						
Cargo residues⁽²⁾ (specify) ⁽³⁾						

⁽¹⁾ Sewage may be discharged at sea in accordance with Regulation 11 of Marpol Annex IV. The corresponding boxes do not need to be completed if it is the intention to make an authorised discharge at sea.

⁽²⁾ May be estimates.

⁽³⁾ Cargo residues shall be specified and categorised according to the relevant Annexes of Marpol, in particular Marpol Annexes I, II and V.

Notes

1. This information may be used for port State control and other inspection purposes.

2. Member States will determine which bodies will receive copies of this notification.

3. This form is to be completed unless the ship is covered by an exemption in accordance with Article 9 of the Directive 2000/59/EC.

I confirm that:

— the above details are accurate and correct, and

— there is sufficient dedicated onboard capacity to store all waste generated between notification and the next port at which waste will be delivered.

Date

Time

Signature

»

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (S.I. 2003/1809) (“the 2003 Regulations”) in order to give effect to Commission Directive (EU) 2015/2087 of 18th November 2015 amending Annex II to Directive 2000/59/EC of the European Parliament and the Council on port reception facilities for ship-generated waste and cargo residues (O.J. L 302, 19.11.2015, p.99)(a).

These Regulations substitute for the existing advance notification form a new form to be used by ships’ masters when delivering waste to port reception facilities. The new form contains additional sub-categories of garbage and a column in which to record information about waste delivered in the last port of delivery.

Regulation 2(2) of these Regulations amends the definition of “the Directive” so as to take into account all amendments to Directive 2000/59/EC.

Regulation 2(3) and the *Schedule* substitute the new advance notification form for the existing one.

Regulation 2(4) requires the Secretary of State to review the operation and effect of regulation 11(1) and schedule 2 of the 2003 Regulations and publish a report within five years after they are amended by these Regulations and within every five years after that. Following a review it will fall to the Secretary of State to consider whether regulation 11(1) and schedule 2 of the 2003 Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke regulation 11(1) and schedule 2 of the 2003 Regulations or to amend them.

An Impact Assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector has been prepared, and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, S015 1EG. A copy has been placed in the library of each House of Parliament. A copy of the Transposition Note is also available from the Maritime and Coastguard Agency. The documents are also annexed to the Explanatory Memorandum, which is available alongside this instrument on the website www.legislation.gov.uk.

(a) Directive (EU) 2015/2087 amends Directive 2000/59/EC (O.J. L332, 28.12.2000, p.81), as amended by Directive 2002/84/EC (O.J. L324, 29.11.2002, p.53) and Directive 2007/71/EC (O.J. L329, 14.12.2007, p.33).