

## **HELCOM RECOMMENDATION 19/8**

Adopted 26 March 1998 having regard to  
Article 13, Paragraph b) of the Helsinki Convention

### **APPLICATION OF THE “NO-SPECIAL-FEE” SYSTEM IN THE BALTIC SEA AREA**

#### **THE COMMISSION,**

**RECALLING** Article 8 of the 1992 Helsinki Convention which calls for development and application of uniform requirements for the provision on reception facilities,

**RECALLING ALSO** Article 9 of the 1992 Helsinki Convention stipulating a need for special measures in relation to pleasure craft, which include the establishment of adequate reception facilities for wastes from pleasure craft,

**RECALLING FURTHER** the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues and HELCOM Recommendation 17/11 on reception facilities, which state that, as a matter of priority, a harmonized fee system shall be established 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** that the “no-special-fee” system constitutes such a system and that it is one of the prerequisites for a substantial decrease in the number of operational and illegal discharges and thus for the prevention of pollution from ships to the marine environment in the Baltic Sea Area,

**NOTING** that the port authorities are responsible for providing reception facilities for wastes covered by Annex I (oily wastes from machinery spaces of ships), Annex IV (sewage) and Annex V (garbage) of the International Convention for the Prevention of Pollution from Ships, 1973, 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 of MARPOL 73/78,

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

**BEARING IN MIND** that the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues aims at the application of a harmonized fee system for reception of wastes covered by Annexes I, IV and V of MARPOL 73/78,

**RECOGNIZING** that in the beginning the harmonized “no-special-fee” system covers only oily wastes from machinery spaces of ships,

**BEING AWARE** that in order to avoid distortion of competition between ports, a similar system is needed also in the North Sea Region,

**BEING AWARE ALSO** of the endeavours within the European Union to make a Directive on port reception facilities for ship-generated wastes,

**RECOMMENDS** that the attached Guidelines for the establishment of a harmonized “no-special-fee” system shall be applied for the operation of reception facilities in the ports of the Contracting Parties as of 1 January 2000,

**REQUESTS** the Maritime Committee to develop guidelines for the harmonized “no-special-fee” system covering Annexes IV and V of MARPOL 73/78 for adoption by HELCOM 22,

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

**REQUESTS FURTHER** the Governments of those Contracting Parties being Member States of the European Union to strive for corresponding regulations as part of a European Council directive on port reception facilities for waste and residues from ships,

**REQUESTS FURTHERMORE** the Governments of the Contracting Parties to report on the implementation of the Guidelines in accordance with the reporting format on the implementation of the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues.

***Guidelines for the establishment of a “no-special-fee” system for  
the discharge of ship-generated oily wastes originating from machinery spaces  
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, 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 waste.

2 Obligation to pay

Every sea-going ship's obligation to pay for reception, handling and disposal of oil residues 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.

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

3 Exemptions

3.1 A ship shall be exempted by the competent authority from the obligation to pay, when engaged in dedicated trade, such as ferry or liner services including feeder services, and it is ensured that the disposal requirements will be met on the ship's own account, i.e. the ship has made an agreement with a competent waste management company on the discharge of ship's wastes to reception facilities, and on the transfer of the wastes for final treatment and disposal, or

3.2 when stationed in the area of the same port (e.g. tugs and other assistance services and laid-up ships) and it is ensured that the disposal requirements will be met on the ship's own account.

3.3 For the purpose of these Guidelines “dedicated trade” means ship's voyages in the Baltic and North Sea Areas between specified ports along the ship's route.

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 discharged into port reception facilities. To obtain the maximum of truth and fairness in specifying the ships' contribution to the no-special-fee system the gross tonnage, as indicated in the vessel's Data Sheet, should be taken as the basis of calculation by the port.

- 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 minimization of waste production, and the benefit of waste separation.
- 4.3 The waste management fee shall be transparent 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 Right to claim disposal

- 5.1 Every ship obliged to pay a waste management fee has the right to claim discharge of her oily wastes from machinery spaces to port reception facilities on the conditions stated above without having to pay any extra amount therefore. Any services beyond such right to claim disposal shall be paid for separately.

## 6 Reception facilities

- 6.1 Reception facilities shall be provided in ports, adequate to meet the needs of the ships without causing undue delay.
- 6.2 The Port Operator/Port Authority shall at request provide the ship with a receipt stating the amount and type of the discharged oily waste.
- 6.3 The Port Operator/Port Authority shall provide the ship with a document informing of inadequacy of a reception facility.

## 7 Administrative aspects of disposal operations

- 7.1 Ships should make a notification to the next port of call twenty-four hours before the time of intended discharge indicating the volume and composition of the oily residues they wish to dispose of.
- 7.2 To ensure the orderly disposal of oily wastes from machinery spaces, every vessel in a port may be subject to on-board inspection. Such on-board inspection may cover Oil Record Books and receipts from a reception facility operator indicating time, place and quantity of the transfer and may comprise the sounding of ullage in tanks assigned for wastes and the request for documentary evidence to be supplied of available tank capacities. Receipts should be kept onboard for the time of validity of the Oil Record Book.

8 Waste delivery data

- 8.1 Data should be gathered from the waste discharge operations of a ship in the port for the purpose of statistics and possible data exchange among the port authorities of the ship's current, preceding, and next port of call.

9 Avoidance of competitive distortion

- 9.1 To avoid competitive distortions between ports located in different sea areas, all possible efforts shall be made to achieve as soon as possible a harmonized waste management fee system for the ports in the Baltic Sea and in the North Sea Regions.
- 9.2 The states involved shall make the necessary efforts in order to implement a harmonized fee system simultaneously in the ports of the Baltic as well as in the North Sea Regions.
- 9.3 Provisions should be made to preclude any subsidizing of the waste-management fee through public funds for the operation of reception facilities.
- 9.4 The Governments of the Contracting Parties 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 Committee of the Helsinki Commission.