

# INDECO

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## CIRCULAR 5A/2004

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### SPAIN – SHIP GENERATED WASTE: EXEMPTIONS ON OBLIGATION TO NOTIFY WASTE DELIVERY BY THE MASTER OF A SHIP

A new domestic regulation entering into force today, that is, 21<sup>st</sup> June 2004, establishes the conditions to obtain exemption from the obligation to notify the information about ship waste to Spanish Harbour Masters.

This regulation, the Spanish Transport Ministry Order 1392/2004 of 13<sup>th</sup> May 2004, develops Spanish Royal Decree 1381/2002 of 20<sup>th</sup> December on port reception facilities of ship-generated waste and cargo residues, which incorporates EU Directive 2000/59/CE. The purpose of this 2002 law is to reduce the discharges into sea of ship-generated waste, especially discharges from ships calling to ports in the European Community, by improving the availability and use of port reception facilities, thereby enhancing the protection of marine environment.

RD 1381/2002 states that when ships are engaged in scheduled traffic with frequent and regular port calls and there is sufficient evidence of an arrangement to ensure the delivery of ship-generated waste and payment of tariffs in a port along the ship's route, the Harbour Master of the Spanish Port involved may exempt these ships from the obligations to notify and to deliver the ship-generated waste.

The Order 1392/2004 establishes that all vessels engaged in a regular traffic between two or more ports with periodical and constant calls between the ports during a certain period of time can request the exemption. The Harbour Master will be the competent authority to check whether the information provided by the vessel is correct and may also inspect the vessel, if necessary. **If the HM considers that the application is correct, he will issue an original exemption document and two copies, which will be valid for one year.** The exemption provided by one HM will be valid only for that port, unless extended by another HM upon petition of the Master or his principals.

**Obligation to notify as per RD 1781/2002.** This regulation is applicable to all ships except war ships, naval auxiliaries and other ships owned or operated by a public authority and used for non-commercial public service. Its definition of waste is that established in annex I, IV and V of Marpol 73/78.

The Master of a ship bound to a Spanish port has to notify certain information by means of a Form of Notification (as per Annex II of the Directive 2000/59/EC). The information to provide is:

- (i) Ship's particulars, ETA and ETD, previous port of call and last port and date when ship-generated waste was delivered.
- (ii) Waste that will be delivered in port, the maximum dedicated storage capacity, the amount of waste retained on board and the estimated amount of waste to be generated between notification and the next port of call.

The above detailed information has to be notified at least 24 hours prior to arrival, if the port of call is known, or as soon as the port of call is known, if this information is available less than 24 hours prior to arrival; or at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours. The notification of waste delivery has to be provided to the Harbour Master and to the designated Spanish Port Reception Facility, which will depend on the type of waste (oil, sewage or garbage) and which details will be provided either by the ship agent or by the Port Authority.

**Obligation to deliver ship-generated waste as per RD 1781/2002.** Ship-generated waste shall be delivered to a designated Spanish Port Reception Facility before the vessel leaves the port, and cargo waste shall be delivered to a designated Spanish Port Reception Facility according to what is established in Marpol 73/78.

**The non-compliance with the requirements of this RD can be typified as an administrative infraction as per our Spanish Ports and Merchant Marine Law.**

Vessels calling to Spanish ports not using the designated Port Reception Facility will have to pay a port charge which will be depending on the size of the vessel (5001 - 10000 GT = Euro 180; 10001 – 25000 GT = Euro 240; etc.). The only vessels exempted of paying this charge are:

- Warships, naval auxiliaries and other ships owned or operated by a public authority and used for non-commercial public service
- Fishing vessels and recreational vessels for a maximum of 12 passengers
- Vessels which are engaged in scheduled traffic with frequent and regular port calls and may give sufficient evidence of an arrangement to ensure the delivery of ship-generated waste and payment of tariffs in a port along the ship's route, may be exempted from these fees.

Should any shipowners or operators have any queries, they should not hesitate to contact us.

Further information can be obtained from INDECO.
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