Minutes
European Sustainable Shipping Forum
7th Meeting of the Subgroup on Port Reception Facilities
Location: Albert Borschette Building, Room 1C
Brussels, 2 February 2017

1. Approval of the agenda and of the minutes of previous meeting

1.1. The chair, Christine Berg (DG MOVE, HoU D2), welcomed the participants and introduced to the subgroup Mr Sotiris Raptis (ESPO), Mr Alexander Hoffmann (DG MOVE) and Mr Ioannis Mispinas (EMSA).

1.2. The chair then gave a brief overview of the previous meetings of the subgroup namely:

a) the first meeting set the scene and discussed the implementation of the Directive while announcing its revision;
b) the second meeting discussed the Commission’s Interpretive Guidelines and the REFIT evaluation which was published last year;
c) the third meeting set up a Correspondence Group to work on harmonisation of the principles enshrined in Article 8 of the PRF Directive (Cost Recovery Systems);
d) the fourth meeting discussed the management of waste on-board ships as well as the issue of marine litter;
e) the fifth meeting focussed on the Impact Assessment process, and the Impact Assessment Support Study;
f) the sixth meeting discussed on policy measures for the revision of the Directive, including panel discussion on waste from fishing vessels.

1.3. The chair informed the subgroup that 2017 will be a year of intensive work for the Commission in order to finalise the Impact Assessment and then draft and present a legislative proposal hopefully during the second semester of 2017. Therefore, the frequency of the subgroup meetings will be reduced and there will be no other meeting before the finalisation of the Commission’s Impact Assessment for the review of the PRF Directive. However, there may be cases for going back to the subgroup for a quick feedback using the written procedure.

1.4. Minutes of the previous meeting were adopted with no further additions or amendments to the latest version circulated before the meeting. Comments had been received from two members of the group and had been incorporated in the final version.
1.5. Agenda for the 7th subgroup meeting of the PRF subgroup adopted with no comments but with a few minor changes in the order of the agenda items. There were no items or issues raised under the Any Other Business.

1.6. DG MOVE (Anna Bobo-Remijn, ABR) informed the subgroup on behalf of the Rapporteur (Van Den Dries Peter, OVAM) about the outcome of the 7th plenary meeting of the ESSF. The ESSF plenary welcomed the progress made by the subgroup, mainly in the context of the Impact Assessment and agreed to continue the work of the subgroup further in 2017. Three of the participants in the plenary explicitly expressed their support for the planned revision of the Directive.

2. Nature of the meeting


2.2. Main topics discussed in the areas of the preliminary conclusions of the Impact Assessment support study (IASS), the report of the CRS Correspondence Group on the harmonisation of CRS principles and key policy issues for the revision of the PRF Directive.

3. List of points discussed

The list of points discussed, listed below, reflect the outline of the Agenda for the 7th subgroup meeting of the PRF subgroup.

3.1. Update on the PRF revision and other Commission initiatives


b) An Interservice Steering Group (ISG) was set up and held a meeting in January. The ISG concluded that a lot of work still needs to be done for the finalisation of the IASS (modelling exercises and quantification were highlighted). The final report of the IASS should come by the beginning of March and the outcome of the 7th meeting of the PRF subgroup will also be taken into account.

c) In addition, a Territorial Impact Assessment (TIA) is to be conducted by DG REGIO within the same time frame.

d) In this regard, the Commission’s draft IA report is to be finalised in spring and will then be sent to the Commission’s Regulatory Scrutiny Board for scrutiny. If approved, then, the new proposal should be tabled in the second semester of 2017 during the Estonian Presidency of the Council of the EU.

e) Furthermore, the subgroup members were informed about the development of a Common Monitoring and Information System based on the SafeSeaNet (SSN) having the data centrally stored and exchanged with THETIS-EU. Discussions were held within the context of the waste expert group set up under the High Level Steering Group (HLSG) of SSN. New Business Rules were endorsed by the HLSG on 12/10/2016. The Commission also noticed that national legislation for the transposition of the new Annex II of the PRF Directive (advance waste notification) should now be in place. However, the implementation is connected to the changes
that are to be made to the National Single Windows (new Business Rules to be implemented, technical specifications) and subsequent exchange of data via SSN. In the next phase the Commission will start monitoring (with EMSA’s assistance) the quality of the information being reported.

3.2. Update on EMSA work to support the PRF revision

a) EMSA gave a short presentation on its work to support the PRF revision and the implementation of the current PRF Directive. In this regard:
   i. the Technical Recommendations, the Guidance for PRF Inspections and the Study on the Management of Ship-Generated Waste On-board Ships were all finalised and recently published;
   ii. a short debrief on the up to day use of the THETIS-EU module by the EU Member States was given. In general, only a small number of inspections have been recorded in the system during 2016 as well as a very small number of non-compliances. It was highlighted that a more active use of the system would be necessary for better understanding of the current implementation efforts, information sharing and meaningful statistics and targeting;
   iii. finally, information was given on the currently problematic creation of waste alert messages. An alert is being created for each port call notification EMSA receives from SSN that does not have information on waste. Therefore, a major number of alerts is being created and remains in the system.

b) EMSA’s work was praised and the developments were welcomed by the subgroup.

c) However, some questions raised and references made on the following points:
   i. one member of the subgroup questioned the added value of the THETIS-EU module, and reference made to the lack of meaningful data and non-user-friendly architecture of the system. The chair responded highlighting the need for the Member States to develop and finalise the technical specifications for reporting of the waste message into their NSW and SSN in order to provide THETIS-EU with all the necessary information. EMSA confirmed this and also informed that is now working on a technical solution for the multiple alert waste notification messages but, as explained, the issue is also connected to the credibility of the data transferred from the Member States via SSN;
   ii. another member asked about what is the state of play on the implementation of Article 7 of the PRF Directive, in particular the application of the exception based on "sufficient storage capacity until the next port of delivery" for allowing a ship to depart from port without having delivered (all) its SGW. It was mentioned that Member States apply very different thresholds for determining sufficient storage capacity and an offer was made to hand over to the Commission a copy of the “MAERSK study” addressing this issue;
   iii. one member proposed a more open and transparent use of the THETIS-EU by allowing for other stakeholders (e.g. ship owners, PRF operators e.t.c) to share experience and information through the system. The chair took note of the proposal but explained that the architecture of the system is for supporting the enforcement of the PRF Directive by providing an e-tool for the Member States to report. An expansion of the system may be looked at a later stage.

3.3. Conclusions of the Impact Assessment support study

a) The subgroup was debriefed on the findings of the IA support study. The consultant presented an outline of the methodology of the study, the collected input from the stakeholders (Open Public Consultation, targeted surveys of port stakeholders and fisheries, case studies), the underlying problem drivers and root causes, the objectives of the revision, the expected impacts from
proposed policy measures, the comparison of options and the preliminary conclusions of the IA support study. Among others, it was underlined that the option for a MARPOL alignment seemed an effective one but a discussion still needs to take place particularly for sewage, for the inclusion of the fishing vessels and recreational crafts and for NSF against AFS Cost Recovery Systems.

b) A summary and analysis of the responses to the Open Public Consultation and targeted surveys was also presented to the subgroup and this, along with the background document that had been distributed before the meeting, would steer the discussions in the afternoon session of the subgroup on a list of selected policy issues.

c) Following the presentation of the preliminary conclusions of the IA support study there was a number of questions raised and references made on the following points:

i. the contribution of shipping, including fisheries, to marine litter according to the IA support study amounts to 12% - 32%. However, some doubts were expressed on the presented figures for the distribution between the different sources (merchant-fisheries-recreational). It was also pointed out that generally it is assumed that the majority of marine litter originates from land based sources. In any case, the participants were encouraged by the consultant to submit any existing quantitative data in addition to what has already been shared within the context of the targeted survey on fisheries;

ii. another concern was that, despite the current PRF requirements, there are still discharges under the international conventions and a total EU discharge ban would only apply to vessels flying a flag of a Member State. However, the chair clarified that a “flag neutral” approach is the only policy option and no distinction on flag may be considered for the revision of the PRF Directive;

iii. reducing discharges while keeping administrative burden to a minimum is a challenge and needs to be addressed properly. The quantification of the impacts of the policy measures is also a difficult task and needs to be addressed by the IA. The optimum would be to strike a balance between maximising the benefits and minimising the costs;

iv. regarding the scope of the inclusion of the fishing vessels and recreational crafts in the revision of the PRF Directive, the reporting/notification of these vessels to the NSW of the Member States was questioned as ineffective and adding administrative burden but it was also pointed out that there are alternative ways for addressing the issue for instance to inspect the port facilities instead of the small vessels, to conduct random controls or to contemplate thresholds for regulating certain categories based on the size of these vessels. In addition, it was noted that fishing vessels are covered under certain MARPOL requirements while, particularly fishing nets (as marine litter) constitute a complex problem and many aspects, including safety, should be taken into account.

3.4. Report from the CRS Correspondence Group on the harmonisation of CRS principles

a) The subgroup was debriefed on the final consultation round and the collected views on the expected economic, environmental, administrative and social impacts from the recommended options for streamlining the CRS principles.

b) The chair of the CG summarised the 7 month work of the CG and highlighted the 5 consultation rounds, the elaborated 8 recommendations to be used in the context of the IA support study and the assessment of the impacts of these recommendations. In this regard, reference made to:

i. the environmental impact i.e. the ship generated waste volumes delivered to PRF (garbage, oily waste, sewage) and discharges into sea;

ii. the economic impact to shipping, ports, and waste operators;

iii. the administrative burden to ports, administrations and shipping;

iv. the social impact to labour and employment conditions in ports, on board ships or on PRF operators.

c) The chair of the CG thanked EMSA (BEL) for the valuable contribution to the work of the CG.
3.5. Final Report of EMSA’s Study on the Management of Ship-Generated Waste On-board Ships

a) The subgroup was debriefed on the outcome of EMSA’s Study on the Management of Ship-Generated Waste On-board Ships. The Study provides an overview of the waste practices and management, drivers, technologies and quantities of different categories of ship generated waste. For almost every type of waste there is a variety of waste flows and on-board treatment methods. Ships use different methods and often only treat part of a waste stream, which results in a difference between the amounts of waste generated and the amounts delivered on shore.

b) The contractor presented the waste flow diagrams, drivers and quantity estimates for Ship Generated Waste and Cargo Residues but explained that the level of confidence for the representativeness of the final results varies between the different waste streams. In addition, the subgroup was debriefed on a number of observations made on:
   i. the accuracy of waste notification forms (e.g. generally accurate for MARPOL/Annex I but less accurate for MARPOL/Annex V wastes);
   ii. the prevention of waste particularly in relation to the packaging of the supplies;
   iii. the mismatches between MARPOL and the waste notification forms or the classification used by waste handlers as well as the practice on board that may lead to reporting and notification errors;
   iv. the misuse of ships’ documentation notably the Oil and Garbage Record Books, IOPPC and Garbage Management Plan.

c) The results from the study will be used in the IA support study as they should help define the problem definition and estimate the possible waste discharges at sea.

d) Following the presentation of the outcome of the Study there was a number of questions raised and references made on the following points:
   i. it was noted that the study was an empirical one and not a research for delivering statistical values;
   ii. the subgroup’s general view was that the figures presented in the study reflect quite accurately the reality on board ships;
   iii. sludge production could be further reduced using drainage and incinerator but the MARPOL requirements on operational waste and keeping of record books should be adhered to;
   iv. sludge may represent 1% - 2% of the fuel and the on board “evaporation technique” may reduce the sludge production up to 75% taking into account that sludge may contain significant amounts of water. Nevertheless, the use of this technique does not seem to be very common;
   v. clarification was given for the food waste diagram and the contractor confirmed that the referred “sewage tank” is the MARPOL “holding tank”.

3.6. OSPAR Guidelines for the implementation of the Regional Action Plan on Marine Litter (action 34: management of shipboard garbage)

a) Under the OSPAR Regional Action plan on Marine Litter, action is taken to promote the implementation of the ISO 21070 standard about waste management on board. In this context, the subgroup was debriefed by the OSPAR Secretariat on the development of the OSPAR Guidelines to encourage, facilitate and incentivize waste management on board in a coordinated way.

b) It was highlighted that the OSPAR Guidelines will be complementary to the PRF Directive and will put emphasis on optimising the ship and PRF interface on the basis of incentives, labelling and promoting the principles of the circular economy.
c) The members of the subgroup were invited to provide any useful feedback or new ideas in view of the finalisation of the Guidelines.

e) Following the presentation of the OSPAR Secretariat there was a number of questions raised and references made on the following points:

  i. one member of the subgroup informed that a recent change of their port waste reception system using colour codes had a bit disappointing results since ships did not use it properly and separation of clean and dirty plastics proved essential but highly problematic. Proper communication and information to the users were highlighted as very important factors for a successful introduction of a separation system;

  ii. in response, the chair informed the subgroup that contacts with DG SANTE will be undertaken to clarify the risks coming from contaminated catering waste and subsequent treatment;

  iii. it was proposed to have a clear reference promoting the circular economy concept within the new PRF Directive. The Commission (ABR) duly noted the proposal and highlighted the need to strengthen the link between the objectives of the revision of the PRF Directive and the proposed policy measures with the principles of the circular economy.

4. Conclusions/recommendations/opinions

4.1. Discussion on Policy Issues

a) During the second half of the meeting the participants of the subgroup were asked to break into smaller groups to debate the following Key Themes:

   i. MARPOL Annex VI waste;
   ii. Harmonisation of CRS principles, including the proposal for a mandatory 100% No Special Fee for garbage and the development of the Green Ship concept;
   iii. Delivery of Sewage under the PRF Directive;
   iv. Position of fishing vessels and small recreational craft;
   v. Regional WRH Plans;
   vi. Rules on Exemptions.

b) Before the meeting, a background document was distributed to guide the discussion. This document provided a summary of the preliminary findings in the IA support study for each policy theme, and requested the Subgroup to validate or comment on these findings, as well as to answer some specific questions, which still have not been sufficiently addressed by the IA support study.

c) Three discussion sessions were then held, the first running parallel debates on the first two of these Key Themes, the second running parallel debates on the next two and the third running parallel debates on the last two.

d) As regards MARPOL Annex VI waste, the discussion highlighted the main challenges and some contradicting arguments on whether or not to include MARPOL Annex VI waste in the scope of the PRF Directive.

e) For the harmonisation of CRS principles, it was acknowledged that this was a difficult discussion and all the alternative options for regulating the CRS (e.g. green ship concept as an Annex to the Directive or a “soft law” approach”) should be looked at, in addition to the recommendations from the Correspondence Group.

f) For the delivery of Sewage, reference was made to all the available feedback (e.g. the findings of simulation exercises) for sharing within the subgroup. In addition, the group discussed the treatment of sewage on board, as well as the different MARPOL discharge norms vis a vis the mandatory delivery obligation under the Directive.

g) For the fishing vessels and small recreational craft, a possible differentiation based on suitable thresholds was discussed. In addition, a refund scheme for fishing nets was debated based on the producer responsibility principle, and the associated administrative burden. The Group also
discussed the inclusion of the “passive fished waste” (covered by fishing for litter” projects) in the scope of the PRF Directive and the distribution of cost to respective stakeholders.

h) For the regional WRH Plans it was noted that there are already some ports working together using joint fee systems while it was also stressed that regional cooperation should be based on providing better services for the users and less administrative burden. Further insight may be gained in the context of the TIA to be conducted by DG REGIO.

i) For the exemptions the discussion focussed on the pros and cons of a more harmonised system. Moreover, a number of issues that need to be further elaborated were identified (to be taken up by a new Correspondence Group).

j) Reports and conclusions from each of these discussions can be found in Annex 1.

4.2. Establishment of two Correspondence Groups

a) As a follow up of the discussions on the Key Themes the subgroup decided to establish two CG to further discuss some specific aspects of the following two Key Themes:
   i. MARPOL Annex VI waste, specifically the issue of Ozone Depleting Substances (and whether or not to include these – via MARPOL Annex VI – in the scope of the PRF Directive);
   ii. rules on exemptions, specifically on issues that remain debatable e.g. on the criteria and principles for granting exemptions (full or partial), exempting ships operating within one port only, acceptability of third party arrangements, etc.

b) EMSA will participate in both CG and instructed by the chair to liaise with the interested members of the subgroup for initiating the work of the CG.

5. Next steps

In the following weeks and months the Commission will work to finalise the IA support study, the TIA with DG REGIO and to draft the Commission IA for presenting it to the Regulatory Scrutiny Board. The proposal for the legislative revision can only be adopted by the Commission once the Board has approved the IA report.

6. Next meeting

The next meeting will be held after the Commission has finalised its IA Report. A date will be announced at a later stage.

7. List of participants

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Annex 1: Reports from the Discussion Groups

Minutes of the working group on MARPOL Annex VI waste

Ozone-depleting substances: mostly to be handled by the repair ports and shipbreaking facilities (outside the scope of the Directive)
Ozone-depleting substances are already covered by existing EU legislation as regards the removal of the substances from ships. It was also noted that this is not operational waste, but waste originating in recycling/repair yards, and that the current legislation is considered sufficient.

Waste from NOx abatement techniques: what to expect?
It was noted that there is no sufficient knowledge for this type of waste as regards the volumes produced as well as the methods or cost of treatment.

Exemptions for MARPOL Annex VI waste from mandatory delivery and payment of the indirect fee ("significant contribution");
Pros and cons of this proposal were considered. It was noted that an exemption from the indirect fee might be preferable in the sense that it doesn’t impose an extra financial burden to ships using cleaner fuel. On the other hand, some participants expressed concern whether all volumes of this waste type will be delivered without payment of the indirect fee.

or inclusion, accompanied by the possibility of differentiation and offering a green rebate to ships using low sulphur fuel?
It was noted that naming the rebate as ‘green’ might be confusing in the sense that it could be seen as implying some compliance methods are more environmentally friendly than others although all of them are allowed under the current EU law.
MARPOL Annex VI arrangements for ports that are remotely located or do not have the necessary industrial infrastructure to be reflected in the Directive (smaller ports)?

It was noted that the new directive should incentivize more cooperation of small or remotely located ports through regional WRH Plans.

Minutes of the working group on harmonisation of CRS principles, including the proposal for a mandatory 100% No Special Fee for garbage and the development of the Green Ship concept

Addressed Questions:
Q1: Will increased transparency in the relation between fees and cost result in increased deliveries of SGW?
This depends on how the fee is organised in each individual port. If we want to implement the short voyage delivery concept, but fee regimes are different in every port, then it will not work to favour SSS.
Q2: Should the percentage (30%) be upheld and incorporated in the Directive? Variable percentage thresholds (min.30%) by waste types?
Different percentages were discussed: 100% for garbage, other percentage for oily, etc. as at every ship call some garbage will have to be landed, whereas for oily waste it is either full delivery or nothing (keeping it on board until next port of delivery). 100% indirect removes disincentive to discharge at sea, but does not necessarily provide a positive incentive to deliver. Ref EUNOMIA options e.g. deposit refund system. Flanders stopped applying the refund system, and most EU ports are not ready for it, due to large administrative burden.
Q3: Can the "right of delivery" be translated in a right of a defined refund (100%)? Then no funds would remain to cover the costs? Alternatives (like in NL) are not based on a refund but on a discount on direct fees for delivery). Do you define the refund/discounts on the basis of quantities delivered? This may lead to more admin burden but also more delivery. A monitoring system is lacking (IT system) to facilitate enforcement of the mandatory delivery obligation.
Q4: Differentiation of the indirect fee for Short Sea Shipping (SSS)? If they would pay less, other port users would end up paying more. Conflicts with the non-discrimination principle. Therefore, reluctant to apply differentiation. However, different types of freight, results in more competition. Also there are frequent caller advantages. SSS is not based on fixed routes but on frequent calls (which bears relevance to the exemptions under article 9). One option would be to distinguish by waste type. At the same time, it was felt that it would be better first to have a level of general harmonisation, before differentiating on basis of waste types.
Q5: NSF for garbage ("right to deliver")? Good idea, supported by the group. Distribution reasonable (if properly enforced) so fair cost allocation.). The question remains whether this systems would lead to fees for other categories to go up.
Apply a 100% indirect fee system for garbage (specify what waste falls under MARPOL Annex V and what not (e.g. hazardous waste). On the other hand, volumes of hazardous waste are very low. (Sweden: less than EUR 100/ton Annex V waste).
Q6: Would the 100% indirect fee for garbage lead to increased volumes of this waste to be delivered to port or not (as the support study seems to conclude)? Agreement on this measure. But market models in the Mediterranean differ. NSF system is applied by many ports, but depends on how you define the systems.
Q7: Uptake of the Green Ship Concept? • How can the Directive give incentives to bring segregated waste into the recycling waste streams?
Easier for annex I (sludge) than for annex V. Issue of segregation on board – may make waste more valuable. Waste prevention o board is difficult to prove.
Q8: Do the rebates from "green ships" award schemes provide sufficient incentives?
Cruise can talk to PET recyclers on shore directly, save PRF to address this (but delivery of the waste based on the PRF Directive).

Q9: Does the lack of a harmonised system as such lead to insufficient incentives for improvement of waste handling on-board?

Green ship concept needs to align with on-shore requirements e.g. international catering waste.

Q10: Cost-benefit analysis of the "green ship" award schemes? (Economic vs environmental benefits).

Will it be able to be strong enough economically? Rebate likely too small. Alternative is to go even further e.g. requirements incentivizing new built ships to be more efficient.

Is the country behind mature enough to handle the waste effectively? E.g. Greek islands don’t have waste processing, and prefer waste to be shipped to ports on the main land. Need for a value chain approach (example waste fish nets).

Q11: How common is waste incineration on-board? Other ways of on board treatment of sewage?

We might not like to incentivise this type of waste reduction. Incinerator ash can only go to landfill.

Reference to CRS criteria developed by the CG. Alternatively, link to existing green schemes. However these do not cover waste. Question remains how to monitor & enforce. Reference to certification schemes / oversight schemes that meet certain criteria. But not to focus of PRF Directive.

**Minutes of the working group on the delivery of sewage under the PRF Directive**

Don’t go beyond MARPOL because of practical considerations. Otherwise, only the waste generated near/in port would be captured i.e. very small amounts, too small for a tank barge, so a truck needed, cannot go everywhere, which would be more costly for only 1-2 m3 – for which ship has enough storage, so ship can leave, then will legally discharge

On land sewage is considered hazardous and sent to treatment, why do we allow discharges of non-treated sewage at sea? Yes but this is up to MARPOL; the PRF Directive does not provide discharge norms or prohibitions.

MARPOL annex IV is silent about sewage sludge (so we assume it can be discharged) – if we want to address it, action needs to be taken at IMO. On-board treatment, solid remains are incinerated.

MARPOL only applies to ships above 400 GT/16 persons, while PRF applies to all.

On-board treatment often much better than on land treatment (in the UK at least, not so in the Baltic). But directive is not about equipment , nor about discharge. Should we require holding tanks for recreational craft? In the Baltic they do.

Do we want economic incentives for delivery of sewage?

Main rationale is to clear legal inconsistencies. Ideally reflect MARPOL norms (and perhaps even incentivise delivery through an indirect fee).

CDNI party countries – only ships >50 persons are required to store/deliver, if less they can directly discharge.

not many use CDS (one UK catamaran) – sewage treatment plants get smaller and smaller. Ships built before 1993 do not have to have an alternative. MARPOL annex IV as of 2003 for new, 2008 for retrofit ships. And would those who invested in treatment standards be exempted?

how much black water concentration do you have? Problem at the Baltic.

Baltic is happy with HELCOM system / Special Area, so no interest in going beyond. But call for having good PRF then.
Plus high delivery in the Baltic is because of the no special fee applied there (but limited).

Can a ship hold the volumes of sewage? SSS probably, but not on longer voyages. AWT systems combine black & grey water, while grey water volume is bigger. Plus systems are being developed still.

Concern over possibility to deliver at berth (CLIA policy to deliver all non-treated sewage to berth especially as ship owners are not required to have treatment systems on board).

Marpol alignment is also about reporting forms and notification.

If the delivery requirement were lifted, how would PRF Directive address adequacy, incentives etc.? Still in-port sewage would need to be delivered. Those aspects should be retained. And PRF should be there (also required in annex IV), with a direct fee, as this is mostly the case today (Baltic has indirect but only with low volume limit).

CE Delft study provides the example of mixing food waste with sewage on board, which is dangerous. However, there are also technologies to solve that, e.g. dehydrate both and then create biomass.

**MARPOL alignment vs strict delivery obligation for all waste (including sewage)**

Variant 2:
- Problem also onshore re treatment capacity
- Treatment of black vs grey water? But MARPOL does not cover grey water. Ship owner can decide to mix, but then stringent norms for black water apply. This could cause quantity capacity issue.
- Ports (in Sweden) do not separately treat black & grey water.

**Minutes of the working group on the position of fishing vessels and small recreational crafts in the Directive**

The two policy measures were introduced to the group and discussed.

PM2e. Incentivise the delivery of all waste from fishing vessels and small recreational craft to PRFs

Although the overall assessment states that a medium increase of waste delivery is to be expected, possibly combined with a significant increase of administrative burden and potentially large investment costs, the group felt as if the overall administrative burden might be less for the vessels concerned and even for the ports. Following arguments were raised:
- In a 100% indirect system, it would be easier for the fishermen to deliver their waste, as in all other cases it will take them more time to deliver their waste ashore (finding own waste contractor, making separate arrangements at higher cost, etc)
- It was also argued that in many cases fishermen already pay port dues and other tariffs, so an additional waste fee would not be the extra effort.
- For ports it might also be easier / more transparent system

A possible refund scheme (based on the producer responsibility principle) for nets was welcomed by the group as an interesting idea to further investigate. Especially if it would be applied in all EU fishing ports. Hence, the larger the amount of waste nets, the more commercially interesting for recycling companies (and the lesser the cost for the fishermen).
Finally, the group was convinced that it would be good to embed fishing for litter initiatives in the PRF directive, realizing this is not the case (yet) today in all EU fishing ports. For its financing, the most appropriate way forward would be to incorporate its collection/storage and treatment in the NSF system of the ports concerned. However, it was pointed out that in this way, the fishermen may end up paying for the fishing for litter waste through an increase of the indirect fee. Some members of the group said the community in general would need to pay for it, as large parts of this waste stream originate from land-based sources.

**PM 3e. To bring fishing vessels and small recreational craft into the full scope of the directive**

The emphasis of this measure is on the (feasibility of) reporting and enforcement requirements for fishing vessels and small recreational crafts.

The group was quite unanimous on the fact that reporting for small vessels would be more than one bridge too far. One should differentiate between small – (medium and) bigger vessels. However, further in-depth investigation on possible differentiation categories was deemed necessary.

For small recreational fishermen, the group agreed that a NSF would be the best way forward.

**Minutes of the working group on regional WRH plans**

Deal with "exceptional circumstances" at a regional basis.
It was noted that regional cooperation might contribute to facilitating the needs of shipping companies taking into account the needs also of ports. This was especially considered in the light of the designation of the Baltic seas as special area for sewage. Cooperation through regional WRH plans could be also used by small or remotely located ports which do not have the resources to receive all types of waste.

What should count as "exceptional circumstance"?
It was noted that the concept needs to be further refined and clarified.

Contingency planning already being undertaken in ports? Best practice examples?
It was noted that there are best practice examples which need to be taken into account in the drafting of the new proposal.

**Minutes of the working group on exemptions**

Again, two policy measures were discussed in a group session.

PM5a. Develop common criteria to be applied for the approval of exemption requests, as well as the application of exemptions, while also setting minimal requirements on information exchange between relevant authorities.

PM 5b. Clarify in the legal text of the Directive that vessels which are operating exclusively within one port can also be exempted, provided that they comply with the conditions.

The overall assessment of the PM 5a was that this measure would reduce administrative burden, contribute to a more harmonised approach across ports (level playing field) and likely bring more waste delivery to port. Good monitoring would need to be combined with information exchange between ports via SSN.
The group found that such a measure might in fact reduce the administrative burden, for MS and ports (e.g. reporting of MS to COM would go through the exchange system, ports would all apply the same criteria, which would be easier for all relevant parties)

Today there is a wide variety in types of exemptions given by ports/Competent Authorities. Some ports exempt from 1 or all three criteria. Moreover, sometimes an exemption is given for one MARPOL residue (e.g. Annex I residues), sometimes for all MARPOL residues.

It was not decided which proof should be provided to demonstrate sufficient waste delivery arrangements are in place. It was left undecided whether a simple waste contract would be enough or one should look into the fact whether or not it is an active contract. Ideally, a midterm administrative inspection should be carried out by the competent authority.

The conclusion that full harmonisation of the exemption criteria would bring more waste delivery ashore was met with scepticism.

Another interesting conclusion was that the group agreed that sharing information would only make sense in a fully harmonised system. Otherwise, it is not advisable. In a fully harmonised system, info-sharing would be advisable, as one MS would interpret and apply exactly the same exemption criteria as the other. If there were common criteria at EU level, MS authorities would not need to assess the whole file for every new application, as it would be clear on basis of which criteria the other MS have exempted the same ship.