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Agenda item 4: Main elements for Regional Guidelines for Selected Marine Litter Prevention and Reduction Measures

Application of Charges at Reasonable Costs for the Use of Port Reception Facilities or, when applicable, application of No-Special-Fee System (Main Elements)

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List of Abbreviations / Acronyms

ENRTP	Environment and Sustainable Management of Natural Resources including Energy Thematic Programme
GPGC	Global Public Goods and Challenges
LBS	Land-based Sources
MAP	Mediterranean Action Plan
MARPOL	International Convention for the Prevention of Pollution from Ships
NSF	No-Special-Fee
PRF	Port Reception Facilities
REMPEC	Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea
UN Environment	United Nations Environment Programme

1 Introduction

1. The Eighteenth Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (“the Barcelona Convention”), held in Istanbul, Turkey, from 3 to 6 December 2013, adopted Decision IG.21/7 related to the Regional Plan on Marine Litter Management in the Mediterranean in the Framework of Article 15 of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities (LBS Protocol) to the Barcelona Convention, hereinafter referred to as the Marine Litter Regional Plan (UNEP(DEPI)/MED IG.21/9).

2. According to Article 9(5) of the Marine Litter Regional Plan, in conformity with the objectives and principles thereof, the Contracting Parties to the Barcelona Convention shall, in accordance with Article 14 of the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (“the 2002 Prevention and Emergency Protocol”) to the Barcelona Convention, explore and implement to the extent possible by 2017, ways and means to charge reasonable cost for the use of port reception facilities or when applicable, apply No-Special-Fee System.

3. Moreover, according to Article 10(f) of the Marine Litter Regional Plan, the Contracting Parties to the Barcelona Convention undertake to explore and implement to the extent possible the following measures by the year 2019, [...], (f) Charge reasonable costs for the use of port reception facilities or, when applicable apply No-Special-Fee system, in consultation with competent international and regional organisations, when using port reception facilities for implementing the measures provided for in Article 10.

4. Furthermore, according to Article 14 of the Marine Litter Regional Plan, the Secretariat in cooperation with relevant international and regional organisations, shall prepare specific guidelines taking into account where appropriate existing guidelines, to support and facilitate the implementation of measures provided for in articles 9 and 10 thereof. Subject to availability of external funds such guidelines shall be published in different Mediterranean region languages.

5. The Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, held in Athens, Greece, from 9 to 12 February 2016, adopted Decision IG.22/4 related to the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021), hereinafter referred to as the Regional Strategy (2016-2021) (UNEP(DEPI)/MED IG.22/28).

6. The Regional Strategy (2016-2021), which aims at assisting the Contracting Parties to the Barcelona Convention to implement the 2002 Prevention and Emergency Protocol, addresses the issue of marine litter in Specific Objectives 5 (Provision of reception facilities in ports), 6 (Delivery of ship-generated wastes) and 9 (To reduce the pollution generated by pleasure craft activities). It also addresses the related issue of illicit ship pollution discharges in Specific Objectives 7 (Improved follow-up of pollution events as well as monitoring and surveillance of illicit discharges) and 8 (To improve the level of enforcement and the prosecution of discharge offenders). Therefore, reducing (illegal) discharges of ship generated waste features among the priority areas of work of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) established within the framework of the Mediterranean Action Plan (MAP) of the United Nations Environment Programme (UN Environment), also referred to as UN Environment/MAP, with a view to coordinating the activities of the Mediterranean coastal States related to the implementation of the 2002 Prevention and Emergency Protocol.

7. The component of the “Marine Litter-MED” Project coordinated by REMPEC focuses on measures related to the better management of marine litter from sea-based sources in ports, in particular the application of charges at reasonable costs for the use of port reception facilities or, when

applicable, application of No-Special-Fee System, as well as the provision of reception facilities and the delivery of ship-generated wastes in ports and marinas in the Mediterranean.

8. To fulfil the overall objective of the above-mentioned component, a series of activities are being carried out by REMPEC, including the preparation of:

- i. a study based on a literature review on existing best practices in the Mediterranean as well as other European Regional Seas for the application of charges at reasonable costs and No-Special-Fee system for the use of port reception facilities, hereinafter referred to as “the Study”, as set out in document UNEP/MED WG.452/Inf.5;
- ii. a draft guidance document to determine the application of charges at reasonable costs for the use of port reception facilities or, when applicable, application of the No-Special-Fee system, hereinafter referred to as “the draft Guidance Document”, the main elements of which are outlined in the present document.

9. The MAP Programme of Work (PoW) 2018-2019 adopted by the Twentieth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, held in Tirana, Albania, from 17 to 20 December 2017, contains several activities addressing marine litter including the implementation of the EU funded Marine Litter MED Project which has specific outputs on the development of a set of technical guidelines in the framework of Article 14 of the Regional Plan.

2 Outline of the draft Guidance Document

10. The draft Guidance Document will look in detail at the charging elements for the use of Port Reception Facilities (PRF) in the different fee systems, including the No-Special-Fee (NSF) system. The different elements that influence the cost for providing and operating PRF will be identified, and it will be assessed how they can be implemented in a fee system embracing the “polluter pays” principle without entailing excessive costs for the users of ports and marinas in the Mediterranean.

3 Proposed table of contents of the draft Guidance Document

1. Introduction
 - 1.1 Goal of the guidance document
 - 1.2 Scope
2. Regulatory framework related to cost recovery systems
 - 2.1 International
 - 2.2 Regional
3. Types of cost recovery systems
 - 3.1 Indirect systems: No-Special-Fee (NSF)
 - 3.2 Administrative waste fee/contribution systems (ADM)
 - 3.3 Direct fee only systems
4. Application of cost recovery systems in ports and marinas
 - 4.1 Merchant seaports
 - 4.2 Cruise/passenger ports
 - 4.3 Fishing ports
 - 4.4 Marinas
5. Elements determining the “cost” of PRF
 - 5.1 “Cost” of PRF
 - 5.1.1 Operational costs
 - 5.1.2 Administrative costs
 - 5.2 Revenues
 - 5.3 “Reasonable cost” aspect
6. Application of cost recovery systems in ports and marinas in the Mediterranean
 - 6.1 Merchant seaports
 - 6.2 Cruise/passenger ports

- 6.3 Fishing ports
- 6.4 Marinas

4 Brief description of the contents of the draft Guidance Document

4.1 Introduction, regulatory framework related to cost recovery systems and types of cost recovery systems (sections 1, 2 and 3)

11. The introduction (defining the aim and the scope of the draft Guidance Document), the regulatory framework (international and regional) and the types of cost recovery systems, sections 1, 2 and 3 of the guidance document, are intended to introduce the issue of fee systems for ship's waste to readers who are not too familiar with the subject. The contents will in general build upon the findings of the Study.

4.2 Application of cost recovery systems in ports and marinas (section 4)

12. This section will provide further information on the application of cost recovery systems in ports and marinas, taking into account specific types of traffic and wastes delivered in merchant seaports, cruise/passenger ports, fishing ports and marinas. This section will be based on the findings of the Study but may be further elaborated with information provided during this meeting.

4.3 Elements determining the "cost" of PRF (section 5)

13. In this section, the different elements that determine the "cost" of PRF will be looked into:

- operational costs: costs that arise from the actual delivery of waste from ships;
- administrative costs: costs that arise from the management of the cost recovery system in the port; and
- revenues: possible financial benefits (e.g. revenues from selling recycled waste, extended producer responsibility schemes, subsidies, etc.).

14. This section also aims at providing guidance on what ports and port users consider a "reasonable cost". As "reasonable cost" is a rather subjective terminology, its interpretation might differ between ports and their users.

4.4 Application of cost recovery systems in ports and marinas in the Mediterranean (section 6)

15. Due to the differences in on-board waste production and management, including the types and quantities of waste generated and their potential as a possible source of marine litter, a specific approach will be necessary for the application of cost recovery systems in merchant seaports, cruise/passenger ports, fishing harbours and marinas.

16. Also, the aspect of profitability of PRF and the possibility to organise cooperation on a regional/sub-regional/national/sub-national level will be looked into.

17. Recommendations will be given on the application of fee systems in Mediterranean ports and marinas. These recommendations will be based on the initial findings of the Study but may be further elaborated with information provided during this meeting. The recommendations will also take into account the assessment of the elements determining the "cost" of PRF.

18. Emphasis will be put on the application of NSF systems for the different types of waste in the different types of ports, including garbage and fishing waste.

5 General approach and sources of information for the draft Guidance Document

5.1 Overview of issues to be considered

19. Issues to be considered for drafting this guidance document include:

- Elements of cost recovery systems will be based on the relevant information on fee systems and best practices identified in the Study;
- Types of fee systems: their application in ports and marinas in the Mediterranean Sea and other European Regional Seas; and
- Elements that determine the use of PRF and effectiveness of cost recovery systems in a port:
 - “cost” element:
 - cost for providing the PRF;
 - cost for the use and operation of the PRF, including cost for collection of the waste;
 - cost for treatment of the collected waste;
 - administrative costs; and
 - revenues.
 - volumes of ship’s waste delivered for the different types of waste: impact on the profitability of a PRF;
 - options for cooperation on a regional/sub-regional/national/sub-national level;
 - what is “reasonable cost”?
 - based on the information available online, it might be possible to calculate for some ports what the amount (%) of the waste fee is compared with the total of port dues per single ship call; and
 - it should be looked into as to whether it is possible to find a common approach on this, at least within the same types of ports, or not.
 - “service level” element.

5.2 Sources of information

20. Several sources of information are to be looked into:

- The documents and studies mentioned in the list of reference materials to be considered, as set out in **Annex 1** to the present document, should be supplemented with additional studies and assessments included in the Study.
- Information on the practical implementation of fee systems if available on port website.
- Additional sources of information and useful contacts can be provided during this meeting.

21. It should be noted that detailed information on pricing structures and how fees are calculated by ports themselves (taking into account actual collection and disposal costs) can be quite complex and is in general not made publicly available. Therefore, direct contacts with port authorities might be necessary, but within the scope of the draft Guidance Document, this can only be done on a limited scale.

Annex 1
List of Reference Materials to be Considered

List of reference materials to be considered

1. The Barcelona Convention and the 2002 Prevention and Emergency Protocol;
2. MARPOL and its six annexes, placing special emphasis on revised Annex V (Regulations for the prevention of pollution by garbage from ships) thereto as well as the fact that the Mediterranean Sea is a Special area under MARPOL Annex I (adopted on: 2 Nov 1973; entered into force on: 2 Oct 1983; in effect from: 2 Oct 1983) and MARPOL Annex V (adopted on: 2 Nov 1973; entered into force on: 31 Dec 1988; in effect from: 1 May 2009);
3. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (“the London Convention”) and the 1996 Protocol thereto (“the London Protocol”), as amended;
4. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
5. Relevant decisions of the Contracting Parties to the Barcelona Convention, including, but not limited to:
 - Decision IG 17/9: Guidelines concerning pleasure craft activities and the protection of the marine environment in the Mediterranean (UNEP(DEPI)/MED IG.17/10);
 - Decision IG.20/10: Adoption of the Strategic Framework for Marine Litter management (UNEP(DEPI)/MED IG 20/8)
 - Decision IG.21/7: Regional Plan on Marine Litter Management in the Mediterranean in the Framework of Article 15 of the Land Based Sources Protocol (UNEP(DEPI)/MED IG.21/9);
 - Decision IG. 22/10: Implementing the Marine Litter Regional Plan in the Mediterranean (Fishing for Litter Guidelines, Assessment Report, Baselines Values, and Reduction Targets) (UNEP(DEPI)/MED IG.22/28); and
 - Decision IG.22/4: Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) (UNEP(DEPI)/MED IG.22/28), especially Specific Objectives 5, 6 and 9 thereof.
6. The draft guidance document to determine the application of charges at reasonable costs for the use of port reception facilities or, when applicable, application of No-Special-Fee system, prepared within the framework of the “Marine Litter-MED” Project;
7. The draft operational guidelines on the provision of reception facilities in ports and the delivery of ship-generated wastes, prepared within the framework of the “Marine Litter-MED” Project;
8. Outcome of the MEDA Project on Port Reception Facilities for Collecting Ship-Generated Garbage, Bilge Waters and Oily Wastes (MED.B7.4100.97.0415.8) financed by the European Union, hereinafter referred to as “the MEDA Project”, in particular the final reports of:
 - Activity A: Collection and treatment of solid and liquid wastes;
 - Activity B: Optimum solutions for collecting, treatment and disposal of relevant ship-generated solid and liquid wastes;
 - Activity C: Collection and treatment of oily ballast waters from tankers;
 - Activity D: Standard designs for (A) oily waste reception, treatment, storage and dewatering facilities and (B) garbage collection, treatment and disposal facilities; and
 - Activity E: Regional Seminar on Port Reception Facilities for Collecting Ship-Generated Garbage, Bilge Waters and Oily Wastes in the Mediterranean (St Julian’s, Malta, 24 to 26 November 2004).

9. Marine Litter Assessment in the Mediterranean, UNEP/MAP, Athens, 2015;
10. Relevant IMO's Marine Environment Protection Committee (MEPC) circulars, resolutions and guidelines related to MARPOL Annex V, including, but not limited to:
 - Consolidated guidance for port reception facility providers and users (MEPC.1/Circ.834/Rev.1);
 - Guidelines for ensuring the Adequacy of Port Waste Reception Facilities (MEPC.83(44));
 - 2012 Guidelines for the Implementation of MARPOL Annex V (MEPC.219(63));
 - 2012 Guidelines for the Development of Garbage Management Plans (MEPC.220(63));
 - 2012 Guidelines for the Development of a Regional Reception Facilities Plan (MEPC.221(63));
 - MARPOL - How to do it, 2013 Edition; and
 - Port Reception Facilities - How to do it, 2016 Edition.
11. Relevant documents related to marine litter, including on the development of an action plan to address marine plastic litter from ships, submitted to the IMO Assembly, IMO's MEPC as well as the Scientific Group of the London Convention (LC) and the Scientific Group of the London Protocol (LP): A 30/D, A 30/11/1, MEPC 72/15, MEPC 72/15/Corr.1, MEPC 73/8, MEPC 73/8/1, MEPC 73/8/2, MEPC 73/8/3, MEPC 73/8/4, MEPC 73/8/5, MEPC 73/8/6, MEPC 73/8/7, MEPC 73/INF.9, MEPC 73/INF.25, LC 38/16, LC 39/11, LC/SG 41/8/1, and any others;
12. Final report of the Review of the current state of knowledge regarding marine litter in wastes dumped at sea under the London Convention and Protocol, IMO, London, 2016;
13. Guidance manual on how to improve the sea-land interface (UNEP/CHW.13/INF/37/Rev.1);
14. Plan Bleu (2017). Socio-economic tools for supporting the achievement of Good Environmental Status of Mediterranean marine waters. Valbonne, Plan Bleu. (Technical Report);
15. Relevant EU legislation, including, but not limited to:
 - Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues;
 - Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy; and
 - Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.
16. Developments with regard to the Proposal for a Directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU, including:
 - COM/2018/033 final - 2018/012 (COD) (Proposal for a directive);
 - SWD/2018/021 final - 2018/012 (COD) (Impact assessment);
 - SWD/2018/022 final - 2018/012 (COD) (Summary of impact assessment); and
 - SEC/2018/0058 final (Opinion on impact assessment).
17. GESAMP (2015). "Sources, fate and effects of microplastics in the marine environment: a global assessment" (Kershaw, P. J., ed.). (IMO/FAO/UNESCO-IOC/UNIDO/WMO/IAEA/UN/UNEP/UNDP Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection). Rep. Stud. GESAMP No. 90, 96 p.;

18. GESAMP (2016). "Sources, fate and effects of microplastics in the marine environment: part two of a global assessment" (Kershaw, P.J., and Rochman, C.M., eds). (IMO/FAO/UNESCO-IOC/UNIDO/WMO/IAEA/UN/UNEP/UNDP Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection). Rep. Stud. GESAMP No. 93, 220 p.;
19. Relevant developments within the Global Partnership on Marine Litter (GPML);
20. Relevant developments within the Group of Seven (G7) or the Group of Twenty (G20) with regard to marine litter, including, but not limited to:
 - the G7 Action Plan to Combat Marine Litter (Annex to the Leaders' Declaration G7 Summit, Schloss Elmau, Germany, 7-8 June 2015); and
 - the G20 Action Plan on Marine Litter (Annex to G20 Leaders Declaration, Hamburg, Germany, 7-8 July 2017).
21. ISO 16304:2013, Ships and marine technology--Marine environment protection--Arrangement and management of port waste reception facilities;
22. ISO 21070 "Standard for the Management and handling of shipboard garbage"; and
23. Any other relevant information that the Consultant(s) may consider as being relevant, or that may be provided by REMPEC as well as the Contracting Parties to the Barcelona Convention, especially with regard to relevant projects or initiatives carried out at the national, sub-regional or regional level.