

MARINE ENVIRONMENT PROTECTION  
COMMITTEE  
64<sup>th</sup> session  
Agenda item 7

MEPC 64/7/x  
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**INTERPRETATIONS OF, AND AMENDMENTS TO,  
MARPOL AND RELATED INSTRUMENTS**

**Lack of Adequate Port Reception Facilities for the implementation of the Revised  
MARPOL Annex V**

**Submitted by Intercargo, ICS and BIMCO**

**SUMMARY**

*Executive summary:* This document brings to the attention of the Committee a survey of Port Reception Facilities (PRF) for cargoes that will be classified as Harmful to the Marine Environment under the revised MARPOL Annex V from 1 January 2013. In an ICMM survey 82% of receiving terminals did not have PRF in place. Noting the limited notice the industry has been given to classify cargoes and put in place adequate PRF the co-sponsors propose allowing further time to ensure full compliance.

*Strategic direction:* 7.1

*High-level action:* 7.1.2

*Planned output:* 7.1.2.19

*Action to be taken:* Paragraph 7

*Related documents:* MEPC 63/23

**Introduction**

1 MEPC 62 adopted Amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Revised MARPOL Annex V) (Resolution MEPC.201(62)). The revised Annex V creates a new definition for cargo residues and includes provisions regulating the discharge of cargo residues into the sea, including the prohibition of any discharge of cargo residues classified as “harmful to the marine environment.” These amendments will enter into force on 1 January 2013.

2 At MEPC 63, the 2012 Guidelines for the implementation of MARPOL Annex V (2012 Guidelines) were finalized, including criteria for declaring cargoes “harmful to the marine environment” (HME) (paragraph 3.2). During discussions on this issue several delegations expressed concern about the limited time between agreeing the criteria for HME and the entry into force of the revised Annex V, particularly the availability of adequate port reception facilities (PRF). After the publishing and dissemination of the 2012 Guidelines in the months following MEPC 63, there is a little over six months for shippers to identify which cargoes are HME and receiving ports to put in place adequate PRF to receive and treat this new waste stream.

3 The International Council on Mining and Metals (ICMM)<sup>1</sup> has conducted a survey of ports that are known to receive cargoes that will or may be classified as HME to ascertain the extent of adequate PRF provision. It should be noted this cannot be a complete survey as many shippers have yet to identify which cargoes will meet the new HME criteria and not all shippers are members of ICMM.

4 The ICMM survey received responses from members shipping metal concentrates (e.g. lead, zinc, copper, nickel concentrates, bauxite) to 55 different ports in 18 countries around the globe. Of these 55 ports, only 10 (18%) have PRF for cargo residues classified as harmful to the marine environment. Five of the ports are expected to have PRF later in 2013, but this would still be only 27% of ports.

5 This survey is considered a very conservative estimate of the inadequacy of facilities. As many shippers have not been able to classify their cargoes against the recently published HME criteria, the receiving ports will not yet know if the cargoes they are receiving will be HME and require PRF. Only 26 ports currently *know* they are receiving cargoes meeting the HME criteria.

6 Acknowledging the limited time shippers have been given to classify cargoes and for receiving ports to put in place adequate PRF, the co-sponsors propose allowing further time to ensure full compliance. Proposed text for an MEPC Circular to this effect can be found in Annex II.

### **Action requested of the Committee.**

7 The Committee is invited to consider the information and proposal above and at annex and decide as appropriate.

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<sup>1</sup> The International Council on Mining and Metals (ICMM) is an association that was established in 2001 to improve sustainable development performance in the mining and metals industry. Today, it brings together 22 of the world's largest mining and metals companies as well as 34 national and regional mining associations and global commodity associations. ICMM engages with a broad range of stakeholders – governments, international organizations, communities and indigenous peoples, civil society and academia – in order to build meaningful relationships. Its vision is one of leading companies working together and with others to strengthen the contribution of mining, minerals and metals to sustainable development.

### Annex I

Availability of Port Reception Facilities summary of results from ICMM members

Country	Number of ports receiving metal concentrates from ICMM members	Number of ports with PRF	Are concentrates classified as HME currently being shipped to ports without PRF?
Australia	3	0	Yes
Belgium	2	0	Yes
Brazil	1	0	Yes
Bulgaria	1	1	No
Canada	3	0	Yes
China	17	4	Yes
Finland	2	1	Yes
Germany	3	1	Yes
India	2	0	No
Indonesia	1	0	Analysis pending
Italy	1	0	Yes
Japan	8	0	Yes
Netherlands	2	1	Yes
Norway	1	0	Yes
Philippines	2	0	Analysis pending
South Korea	2	0	Yes
Spain	2	0	Yes
Sweden	1	1	No
Thailand	1	1	Yes
<b>TOTAL</b>	<b>55</b>	<b>10</b>	

## **Annex II**

### **Adequate Port Reception Facilities for Cargoes Declared as Harmful to the Marine Environment under MARPOL Annex V**

1 The Marine Environment Protection Committee, at its sixty fourth session (1 to 5 October 2012), having considered the short time between publishing criteria for dry bulk cargoes considered Harmful to the Marine Environment under the revised MARPOL Annex V and the entry into force of the Annex on 1 January 2013, recognizing time is required for assessing such cargoes against the criteria and establishing adequate port reception facilities at receiving terminals, agreed that:

.1 ports and terminals receiving cargoes declared as harmful to the marine environment under MARPOL Annex V should make every effort to make available adequate port reception facilities for cargoes residues, including cargo hold washing water containing the remnants of any dry cargo material, by 1 January 2013, and

.2 between 1 January 2013 and 31 December 2014 where no adequate port reception facilities exist at the discharge port, cargo hold washing water containing remnants of such residues may be discharged at a distance not less than 12 nautical miles from shore.

2 Member Governments are invited to bring the content of this circular to the attention of those interested, including port State control authorities and coastguard and maritime surveillance services, as appropriate.