



*Technical Assistance for Strengthening the Capacity of the Ministry of Environment, Forests and Water Administration in Albania for Law Drafting and Enforcement of National Environmental Legislation*

**Draft**

**DCM**

**“ON APPROVAL OF REGULATION ON PORT RECEPTION FACILITIES AND REQUIREMENTS ON SHIP- GENERATED WASTE AND CARGO RESIDUES IN PORTS OF REPUBLIC OF ALBANIA”**

**Draft 3**

**Version 1**

**19 March 2013**

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*\* This Decision transposes Directive 2000/59/EC “On port reception facilities for ship-generated waste and cargo residues” amended by Directive 2002/84/EC, Directive 2007/71/EC and Regulation (EC) No 1137/2008. CELEX no. 32000L0059, Official Journal L 332, 28.12.2000, p. 81.*



**REPUBLIC OF ALBANIA**

**COUNCIL OF MINISTERS**

**DECISION**

No. \_\_\_\_\_, date \_\_\_\_\_

**“ON APPROVAL OF REGULATION ON PORT RECEPTION FACILITIES AND REQUIREMENTS ON SHIP - GENERATED WASTE AND CARGO RESIDUES IN PORTS OF REPUBLIC OF ALBANIA”\***

Pursuant to Article 100 of the Constitution and to Article 40 of the Law No.10463, dated 22.9.2011, “On Integrated Waste Management”, upon the proposal of the Minister of Environment, Forestry and Water Administration, and the Minister of Public Works and Transport, the Council of Ministers,

**DECIDED:**

1. “The approval of Regulation on port reception facilities and requirements on ship- generated waste and cargo residues” according to the Regulation and Annexes which are attached to this Decision.
2. The Minister responsible for Environment and the Minister responsible for Transport shall be responsible for implementation of this Decision.
3. The General Maritime Directorate shall be responsible for implementation of this Decision.
4. The Harbour Master/port state control shall be responsible for the inspection in compliance with this Decision.

This Decision enters into force one year after publication in the Official Journal.

**PRIME MINISTER**

**SALI BERISHA**

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\* *This Decision transposes Directive 2000/59/EC “On port reception facilities for ship-generated waste and cargo residues” amended by Directive 2002/84/EC, Directive 2007/71/EC and Regulation (EC) No 1137/2008. CELEX no. 32000L0059, Official Journal L 332, 28.12.2000, p. 81.*

## **REGULATION**

### **“On port reception facilities and requirements on ship- generated waste and cargo residues in ports of Republic of Albania”**

#### **I. PURPOSE**

1. The purpose of this Regulation is to reduce the discharges of ship-generated waste and cargo residues into the sea, especially illegal discharges, from ships using ports in Albania, by improving the availability and use of port reception facilities for ship-generated waste and cargo residues, thereby enhancing the protection of the marine environment.

#### **II. SCOPE**

2. This regulation shall apply to:
  - a) All ships, including fishing vessels and recreational craft, irrespective of their flag, calling at, or operating within, a port of Albania, with the exception of any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non - commercial service; and
  - b) All ports of Albania normally visited by ships falling under the scope of point (a).
3. The General Maritime Directorate shall take measures to ensure that ships which are excluded from the scope of this Regulation under point 2(a) of the preceding paragraph deliver their ship-generated waste and cargo residues in a manner consistent, in so far as is reasonable and practicable, with this Regulation.

#### **III. DEFINITIONS**

4. In addition to the definitions listed in the Law No.10463, dated 22.9.2011 “On integrated waste management”, the following definitions apply:
  - a) “cargo residues” shall mean the residues from maritime cargos, as defined in article 40 of the Law No. 10463, dated, 22.09.2011 “On integrated waste management”, including remnants of any cargo material on board in cargo holds or tanks which remain after unloading procedures and cleaning operations are completed and shall include loading/unloading excesses and spillage;
  - b) “fishing vessel” shall mean any ship equipped or used commercially for catching fish or other living resources of the sea;
  - c) “Harbour master” shall mean an administrative body as defined in the Law, no. .9251,dated 8.7.2004 “Maritime Code of the Republic of Albania”;
  - d) “Captain of the ship” has the meaning given by the Law no. 9130, dated 8.9.2003 “On Port Authority”;

- e) "Operator" shall mean any natural or legal person who holds the relevant license/authorization/concession to run the port reception facilities.
- f) "IMO" shall mean the International Maritime Organization;
- g) "Marpol 73/78" shall mean the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and ratified by the Albanian Parliament by law no.9594, date 27.07.2006 "On accession of Republic of Albania in the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;
- h) "General Maritime Directorate " (GMD) shall mean an administrative body as defined in the Law, no.10 109, dated 2.4.2009 "On maritime administration of the Republic of Albania";
- i) "Port State control" shall mean the structure, under the responsibilities of harbour master which operate in accordance to the Law no. 9251, dated 8.7.2004 "Maritime Code of the Republic of Albania";
- j) "port" shall mean a place or a geographical area made up of such improvement works and equipment as to permit, principally, the reception of ships, including fishing vessels and recreational craft;
- k) "port authority" shall mean the entity which is established and exercises its responsibilities according to the Law no. 9130, dated 8.9.2003 "On Port Authority";
- l) "port reception facilities" shall mean any facility, which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues which are managed by the operators;
- m) "recreational craft" shall mean a ship of any type, regardless of the means of propulsion, intended for sports or leisure purposes;
- n) "ship" shall mean a seagoing vessel of any type whatsoever operating in the marine environment and shall include hydrofoil boats, air-cushion vehicles, submersibles and floating craft;
- o) "ship-generated waste" shall mean all waste generated by ships, as defined in article 40 of the Law No. 10463, dated, 22.09.2011 "On integrated waste management", including sewage, and residues other than cargo residues, which are generated during the service of a ship and fall under the scope of Annexes I, IV and V to Marpol 73/78 and cargo-associated waste as defined in the Guidelines for the implementation of Annex V to Marpol 73/78;
- p) "waste fee" shall mean a payment made by any ship which enter in an Albanian port to cover the costs of port reception facilities for ship-generated waste, including the treatment and disposal of the waste.
- q) "waste delivery certificate" shall mean the completed form (as provided in Annex IV of this regulation), proving that the ship has delivered the waste to the agreed operators of the reception facilities according to the established procedures.

#### **IV. PORT RECEPTION FACILITIES**

5. The General Maritime Directorate shall ensure the availability of port reception facilities adequate to meet the needs of the ships, normally using the port without causing undue delay to ships?

6. To achieve adequacy, the reception facilities shall be capable of receiving the types and quantities of ship-generated waste and cargo residues from ships normally using that port, taking into account the operational needs of the users of the port, the size and the geographical location of the port, the type of ships calling at that port and the exemptions provided for under paragraph 24.
7. The Ministry responsible for Transport, through Ministerial Order shall establish procedures, in accordance with those agreed by the IMO, for reporting to the Harbour Master on the alleged inadequacies of port reception facilities.

## **V. WASTE RECEPTION AND HANDLING PLANS**

8. An appropriate waste reception and handling plan shall be developed by the General Maritime Directorate and implemented for each port following consultations with the relevant parties, in particular with port users, operators or their representatives, having regard to the requirements of Section IV, VI, VII, VIII, IX and X of this Regulation. Detailed requirements for the development of such plans are set out in Annex I of this Regulation.
9. The waste reception and handling plans referred to in paragraph 8 may, where required for reasons of efficiency, be developed in a regional or national context with the appropriate involvement of each port, provided that the need for, and availability of, reception facilities are specified for each individual port.
10. The Ministry responsible for Environment, shall evaluate and approve the waste reception and handling plan and monitor its implementation. The waste reception and handling plan shall be revised and re-approved at least every three years and after significant changes in the operation of the port.

## **VI. NOTIFICATION**

11. The master of a ship, other than a fishing vessel or recreational craft authorised to carry no more than 12 passengers, bound for a port located in Albania shall complete truly and accurately the form in Annex II and notify that information to the Harbour Master:
  - a. at least 24 hours prior to arrival, if the port of call is known; or
  - b. as soon as the port of call is known, if this information is available less than 24 hours prior to arrival; or
  - c. at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours.
12. The Harbour Master shall send a copy of notification to the Port/Port Authority and to the operator of the port reception facility. The operator will be obliged to keep a record of notifications and waste delivery certificates and to forward it monthly to the General Maritime Directorate.

13. The information referred to in paragraph 11 shall be kept by the master of any ship on board at least until the next port of call and shall upon request be made available to the the Harbour Master or other body designated for this purpose by the Ministry responsible for Transport.

## **VII. DELIVERY OF SHIP-GENERATED WASTE**

14. The master of a ship calling at an Albanian port shall, before leaving the port, deliver all ship-generated waste to a port reception facility.
15. Notwithstanding paragraph 14., a ship may proceed to the next port of call without delivering the ship-generated waste, if it follows from the information given in accordance with Section VI and Annex II, that there is sufficient dedicated storage capacity for all ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship until the port of delivery.
16. If there are sufficient reasons to believe that adequate facilities are not available at the intended port of delivery, or if this port is unknown, and that there is therefore a risk that the waste will be discharged at sea, the Harbour Master shall take all necessary measures to prevent marine pollution, if necessary by requiring the ship to deliver its waste before departure from the port.
17. Paragraph 15 shall apply without prejudice to more stringent delivery requirements for ships adopted in accordance with the international agreements which are ratified by the Albanian Parliament.

## **VIII. FEE FOR SHIP-GENERATED WASTE**

18. The Ministry responsible for Transport after consultation with the Ministry responsible for Environment, shall ensure that the costs of port reception facilities for ship-generated waste, including the treatment and disposal of the waste, shall be covered through the collection of a waste fee from ships.
19. The waste fee referred in Paragraph 18 shall be determined by the General Maritime Directorate according to the procedure established in Law No. 9251, dated 08.07.2004, "On Albanian Maritime Code" and will be approved by the Minister responsible for Transport and Minister responsible for finance within each december on the successive year. The minimum criteria for the definition of waste fee for services and use of the port reception facilities shall be defined by the General Maritime Directorate in accordance with the Annex III of this Regulation.

- 20.** The waste fee shall be invoiced to all ships calling the Albanian ports by the operator of the Port Reception Facilities according to the criteria defined in Paragraph 19. The waste fee entitles the ships to deliver a reasonable quantity of waste (Annexes I, IV and V to Marpol 73/78) free of charge, as defined and published in the waste reception and handling plan referred in Paragraph 8 of this Regulation.
- 21.** In order to ensure that the waste fee is fair, transparent, non-discriminatory and reflect the costs of the facilities and services made available and, where appropriate, used, the amount of the fees and the basis on which they have been calculated should be made clear for the port users and described in the waste reception and handling plan according to the Annex I of this Regulation.
- 22.** The cost recovery systems for using port reception facilities shall provide no incentive for ships to discharge their waste into the sea. To this end the following principles shall apply to ships other than fishing vessels and recreational craft authorised to carry no more than 12 passengers:
- a) all ships calling at an Albanian port, delivering the ship generated waste to the agreed waste operators or port reception facilities, shall pay a waste fee, as defined in Paragraph 18, as well as an additional tariff in case of delivery of a quantity of waste further to the reasonable quantity, referred in Paragraph 20;
  - b) in case ship generated waste is not delivered, the ship shall pay to the waste operators a waste fee, as defined in paragraph 18, without the additional tariff. The waste fee shall contribute significantly to the costs referred to in paragraph 22, irrespective of actual use of the facilities. Arrangements to this effect may include incorporation of the fee in the port dues or a separate waste fee shall be decided by the Harbour Master;
  - c) the waste fee may be differentiated with respect to, inter alia, the category, type and size of the ship, according to the criteria defined in the table included in Annex III and the instructions of the Minister responsible for the transport to be developed.
  - d) the waste fee may be reduced if the ship's environmental management, design, equipment and operation are such that the master of the ship can demonstrate that it produces reduced quantities of ship-generated waste.

## **IX. EXEMPTIONS**

- 23.** An exemption of the payment of the waste fee may be granted by the Harbour Master only to those ships which have sufficient storage capacity to sail to the next port of call.
- 24.** 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 fees in a port along the ship's route, the General Maritime Directorate may exempt these ships from the obligations in Section VI, Section VII and Section VIII.

25. The Harbour Master shall inform the Ministry responsible for Transport and Ministry responsible for Environment, about the exemptions granted in accordance with Paragraph 24 on a regular basis at least once a year.

## **X. DELIVERY OF CARGO RESIDUES**

26. The master of a ship calling an Albanian port shall ensure that cargo residues are delivered to a port reception facility in accordance with the provisions of Marpol 73/78. Any fee for delivery of cargo residues shall be paid by the user of the port reception facility.

## **XI. ENFORCEMENT**

27. The port State control/Harbour Master shall ensure that any ship may be subject to an inspection in order to verify that it complies with Section VII and X and that a sufficient number of such inspections is carried out.
28. For inspections concerning ships other than fishing vessels and recreational craft authorised to carry no more than 12 passengers:
- a) in selecting ships for inspection, the port State control /Harbour Master shall pay particular attention to:
    - i. ships which have not complied with the notification requirements in Section VI;
    - ii. ships for which the examination of the information provided by the master in accordance with Section VI has revealed other grounds to believe that the ship does not comply with this Regulation;
  - b) such inspection may be undertaken within the framework of the Law no.9852, date 26.12.2007 “On accession of Republic of Albania in Paris Memorandum of Understanding “Port State Control”.
  - c) If the port State control/ Harbour Master is not satisfied with the results of this inspection, it shall ensure that the ship does not leave the port until it has delivered its ship-generated waste and cargo residues to a port reception facility in accordance with Section VII and X;
  - c) When there is clear evidence that a ship has proceeded to sea without having complied with Section VII and X, the competent authority of the next port of call shall be informed thereof and such a ship shall, without prejudice to the application of the penalties referred to in Section XIII, not be permitted to leave that port until a more detailed assessment of factors relating to the ship's compliance with this Regulation, such as the accuracy of any information provided in accordance with Section VI, has taken place.



**29.** The Ministry responsible for Transport shall establish control procedures, to the extent required, for fishing vessels and recreational craft authorised to carry no more than 12 passengers to ensure compliance with the applicable requirements of this Regulation.

## **XII. ACCOMPANYING MEASURES**

**30.** The Ministry responsible for Transport shall:

- a) take all necessary measures to ensure that masters, providers of port reception facilities and other persons concerned are adequately informed of the requirements addressed to them under this Regulation and that they comply with them;
- b) make provision for cooperation with relevant international authorities including the IMO and commercial organisations to ensure the effective implementation of this Regulation ;
- c) ensure that the information notified by masters in accordance with Section VI be appropriately examined;
- d) ensure that the formalities relating to the use of port reception facilities are simple and expeditious in order to create an incentive for the master to use port reception facilities and to avoid undue delays to ships;
- e) ensure that the treatment, recovery or disposal of shipgenerated waste and cargo residues shall be carried out in accordance with the Law No.10463, dated 22.9.2011 “On integrated waste management”.
- f) ensure in accordance with the Albanian Civil Code and Maritime Code that any party involved in the delivery or reception of shipgenerated waste or cargo residues can claim compensation for damage caused by undue delay.

**31.** Delivery of ship-generated waste and cargo residues may leave the port. The customs authorities shall proceed in accordance to the Customs Code of the RoA.

**32.** The Ministry responsible for Transport shall co-operate with relevant international authorities including the IMO in establishing an appropriate information and monitoring system, to:

- a) improve the identification of ships which have not delivered their ship-generated waste and cargo residues in accordance with this Regulation;
- b) ascertain whether the goals set in Section I have been met.

**33.** The Ministry responsible for Transport shall co-operate with relevant international authorities including the IMO in establishing common criteria for identifying ships referred to in paragraph 22.

## **XIII. PENALTIES**

**34.** Violation of the provisions of this regulation, when they do not constitute criminal offense, will be subject to sanctions provided in Article 62 of Law no. 10 463, dated 22.9.2011 "On the integrated waste management" and other sanctions foreseen by Law No. 9251, dated 8.7.2004 “Maritime Code of the Republic of Albania”..

#### **XIV. AMENDMENT PROCEDURE**

- 35.** The Annexes to this Regulation, the definition in Section III.4, references to IMO instruments may be amended in accordance with a procedure to be established by the Ministry responsible for Environment, and Ministry responsible for Transport, following the obligatory consultation with the General Maritime Directorate in order to bring them in line with IMO measures which have entered into force, when necessary to improve the regime established by this Regulation, insofar as such amendments do not broaden the scope of this Regulation.

#### **XV. REPORTING**

- 36.** The General Maritime Directorate shall submit to the Ministry responsible for Environment, and to the Ministry responsible for Transport, a status report concerning the implementation of this Regulation every three year.

**ANNEX I: Requirements for waste reception and handling plans in ports**  
(as referred to in Section V of this Regulation)

Plans shall cover all types of ship-generated waste and cargo residues originating from ships normally visiting the port and shall be developed according to the size of the port and the types of ships calling at that port.

The following elements shall be addressed in the plans:

- an assessment of the need for port reception facilities, in light of the need of the ships normally visiting the port;
- a description of the type and capacity of port reception facilities;
- a detailed description of the procedures for the reception and collection of ship-generated waste and cargo residues;
- description of the charging system including:
  - details of the proposed tariffs;
  - methods of calculation;
- procedures for reporting alleged inadequacies of port reception facilities;
- procedures for ongoing consultations with port users, waste contractors, terminal operators and other interested parties; and
- type and quantities of ship-generated waste and cargo residues received and handled.
- In addition, the plans should include:
  - a summary of relevant legislation and formalities for delivery;
  - identification of a person or persons to be responsible for the implementation of the plan;
  - a description of the pre-treatment equipment and processes in the port, if any;
  - a description of methods of recording actual use of the port reception facilities;
  - a description of methods of recording amounts of ship-generated waste and cargo residues received; and
  - description of how the ship-generated waste and cargo residues are disposed of.

The procedures for reception, collection, storage, treatment and disposal should conform in all respects to an environmental management scheme.

**Information to be made available to all port users:**

- brief reference to fundamental importance of proper delivery of ship-generated waste and cargo residues;
- location of port reception facilities applicable to each berth with diagram/map;
- list of ship-generated waste and cargo residues normally dealt with;
- list of contact points, the operators and the services offered;
- description of procedures for delivery;
- description of charging system; and
- procedures for reporting alleged inadequacies of port reception facilities.

**ANNEX II: Information to be notified before entry into the Albanian Ports.**  
(Port of destination as referred to in Section VI of this Regulation)

1. Name, call sign and, where appropriate, IMO identification number of the ship;
2. Flag State;
3. Estimated time of arrival (ETA);
4. Estimated time of departure (ETD);
5. Previous port call;
6. Next port of call;
7. Last port and date when ship-generated waste was delivered;
8. Are you delivering (tick appropriate box):  
all  some  none   
of your waste into a port reception facilities?
9. Type and amount of waste and residues to be delivered and/or remaining on board, and percentage of maximum storage capacity used:  
*If delivering all waste, complete second column, as appropriate.*  
*If delivering some or no waste, complete all columns.*

Type	Waste to be delivered m3	Maximum dedicated storage capacity m3	Amount of waste retained on board m3	Port at which remaining waste will be delivered	Estimated amount of waste to be generated between notification and next port of call m3
<b>Waste oils</b>					
Sludge					
Bilge water					
Others (specify)					
<b>Garbage</b>					
Food waste					
Plastic					
Other					
<b>Sewage (1)</b>					
<b>Cargo-associated waste (2)</b> (specify)					
<b>Cargo residues (2)</b> (specify)					

- (1) Sewage may be discharged at sea in accordance with Regulation 11 of Annex IV of Marpol 73/78. The corresponding boxes do not need to be completed if it is the intention to make an authorised discharge at sea.  
(2) May be estimates.

**ANNEX III Minimum criteria for the establishment of the waste fee  
(waste fee as referred to in Section VIII of this Regulation)**

The waste fee for services and use of the port reception facilities indicated in Paragraph 19, Section VIII of this Regulation shall be developed following the minimum criteria set in this Annex under the point A, B.

- A. The waste fee shall be calculated multiplying a unit fee (to be defined by the the General Maritime Directorate) by the factor hereafter defined under the point B herebelow.
- B. The waste fee may be differentiated with respect to, inter alia, the category, type and size of the ship, according to factors defined in this table:

1.	Relation vessel type, tonnage and expected waste production							
2.	Type / GT	<5000	5000 - 9999	10000 - 14.999	15.000 – 19.999	20.000-24.999	25.000 – 29.999	>30.000
3.	Bulk carrier	1	2	2	2	2	2	3
4.	Container vessel	1	2	2	3	3	4	6
5.	General cargo vessel	1	2	2	2	3	3	3
6.	Fruit vessel – reefer vessel	1	2	2	2	3	3	3
7.	Gas tanker	1	2	2	2	2	4	4
8.	Oil bulk ore carrier	1	2	2	2	2	2	5
9.	Roll-on roll-off vessel	1	2	2	2	3	4	4
10.	Vehicles carrier	1	2	2	2	2	2	2
11.	Tanker, not gas tanker	1	2	2	2	3	3	3
12.	Other vessel	1	2	2	3	3	4	5

**ANNEX IV**  
**FORM FOR WASTE DELIVERY CERTIFICATE**  
(Waste delivery certificate as referred to in Section VI of this Regulation)

**ÇERTIFIKATA E DORËZIMIT TË MBETJEVE**  
(WASTE DELIVERY CERTIFICATE)

<b>1.</b>	Emri, adresa, numri i regjistrimit të operatorit të mbetjeve dhe/ose instalimeve marrëse portuale; (Name, address, registration number of the waste operator and/or the port reception facilities)				
<b>2.</b>	Emrin, shenjën e thirrjes dhe, kur është e përshtatshme, numrin IMO të identifikimit të anijes; (Name, call sign and, where appropriate, IMO identification number of the ship)				
<b>3.</b>	Flamurin e Shtetit (Flag State)				
<b>4.</b>	Dorëzimi i mbetjeve (shëno kutinë e duhur) të gjitha <input type="checkbox"/> disa <input type="checkbox"/> asnjë <input type="checkbox"/> të mbetjeve në instalimet marrëse portuale?		Waste delivered (tick appropriate box): all <input type="checkbox"/> some <input type="checkbox"/> none <input type="checkbox"/> of your waste into a port reception facilities?		
<b>5.</b>	Llojin dhe sasinë e mbetjeve dhe tepricave të dorëzuara dhe/ose të mbajtura në bord: (Type and amount of waste and residues delivered and/or remaining on board)				
<b>Lloji</b> (Type)	Mbetjet që do të dorëzohen (në m <sup>3</sup> ) (Total waste delivered m <sup>3</sup> )	Kapaciteti maksimal i magazinimit (në m <sup>3</sup> ) (Maximum dedicated storage capacity m <sup>3</sup> )	Sasinë e mbetjeve që do të mbahen në bord (në m <sup>3</sup> ) ) Amount of waste retained on board m <sup>3</sup>	Porti ku do të dorëzohen mbetjet e mbajtura (Port at which remaining waste will be delivered)	Sasia e dorëzuar sipas llojit të mbetjes (Quantity delivered per waste type)
<b>Vajra të përdorur</b> (Waste oils)					
<b>Llumra</b> (Sludge)					

<b>Ujë i sentinave</b> (Bilge water)					
<b>Të tjera (Përcakto)</b> Others (specify)					
<b>Mbetje (Garbage)</b>					
<b>Mbetje nga ushqimet</b> (Food waste)					
<b>Mbetje Plastike</b> (Plastic)					
<b>Mbetje të tjera</b> (Other)					
<b>Ujëra të ndotura</b> (Sewage)					
<b>Ujëra të ndotura</b> (Sewage)					
<b>Mbetje që shoqërojnë ngarkesat</b> (Cargo associated waste)					
<b>Tepricat nga ngarkesat</b> (Cargo residues)					
Datë (Date) Firma (Signature) Vula e Kompanisë (Stamp of Company)					