



Transport Malta

PORTS AND YACHTING DIRECTORATE

Ref: TM/PYD/PN/01/2023

To: Ship Owners, Masters and Agents
Operators of Ports and Terminals
Operators of Authorised Port Reception Facilities and Undertakings
Authorised Waste Carriers

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Port Reception Facilities for the Delivery of Waste from Ships: Exemption Certificates

The Authority hereby reminds all concerned parties that Directive (EU) 2019/883 on port reception facilities for the delivery of waste¹ from ships² is applicable as from 28th June 2021. The requirements of this Directive have been transposed through the Port Reception Facilities for the Delivery of Waste from Ships Regulations (S.L. 499.71)³, also coming into force on the same date.

Any ship calling at a port or terminal in Malta may be exempted from the Advance Waste Notification, delivery of waste and fees where there is sufficient evidence that

- i. the ship is engaged in scheduled traffic with frequent and regular port calls;
- ii. there is evidence of an arrangement to ensure the delivery of the waste and payment of fees in a port along the ship's route which:
 - a. is evidenced by a signed contract with a port or waste contractor and by waste delivery receipts;
 - b. has been notified to all ports on the ship's route; and
 - c. has been accepted by the port where the delivery and payment take place in which adequate port reception facilities are available; and
- iii. the exemption does not pose a negative impact on maritime safety, health, shipboard living or working conditions, or on the marine environment.

¹ "Waste from ships" means all waste, including cargo residues, which is generated during the service of a ship or during loading, unloading and cleaning operations and which falls within the scope of Annexes I, II, IV, V and VI to the MARPOL Convention, as well as passively fished waste.

² Directive (EU) 2019/883 of the European Parliament of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC.

³ Repealing the Port Reception Facilities for Ship-generated Wastes and Cargo Residues Regulations S.L. 499.30).



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For the purposes of this Port Notice, in terms of the Regulations:

- “**Scheduled traffic**” means traffic based on a published or planned list of times of departures and arrivals between identified ports or recurrent crossings that constitute a recognised timetable.
- “**Regular port calls**” mean repeated voyages of the same ship forming a constant pattern between identified ports or a series of voyages from and to the same port without intermediate calls.
- “**Frequent port calls**” means visits by a ship to the same taking place at least once a fortnight.

In order for an Exemption Certificate to be issued, an Application Form, as provided by the Authority from time to time, must be submitted together with the following evidence:

- i. Evidence of the scheduled, regular and frequent nature of the trade of the ship (copy of the ship’s schedule for the respective port of calls);
- ii. Evidence of a contract/arrangement with the port/company to which the waste is to be landed/delivered and waste receipts;
- iii. Proof that all ports along the ship’s route have been notified together with the acceptance by the port where the delivery and payment of the fee will take place; and
- iv. Proof that this contract/arrangement is active (recent copy of an invoice or delivery note).

An Exemption Certificate, when issued, shall be in the form as per Annex ‘1’ and shall be valid for one (1) year from the date of issue.

If there is any change in any of the details in the Exemption Certificate or the Certificate has expired, the exemption would immediately become void and a new Application Form must be submitted.

In the case of a new scheduled service or expiry of an existing Exemption Certificate, the Application Form has to be submitted to the Authority at least fifteen (15) working days before the commencement of the scheduled service or the expiry date, as the case may be.

Existing valid Exemption Certificates on the date of issue of this Port Notice shall remain valid until their date of expiry or termination and the above procedure shall be applicable for the renewal thereof.

An administrative fee of €100 shall be applicable for each Exemption Certificate issued and any renewal thereof.

Notwithstanding the exemption granted, a ship shall not be allowed to proceed to the next port of call if there is insufficient dedicated storage capacity for all the waste that has been accumulated and that which will be accumulated during the intended voyage of the ship until the next port of call.

The Authority wishes to remind all relevant persons regarding their responsibility to observe and comply in full with the legislation and directions given by the relevant competent authority from time



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to time. Without prejudice to any legal and enforcement action in terms of the Laws of Malta in respect of any breach or non-compliance, a ship may be inspected, directed to deliver the waste on board and detained until there is compliance.

Port Notice 05/2021 is hereby being revoked. Exemption Certificates issued under Port Notice 05/2021 shall remain in full force and effect until they expire or are terminated, whichever comes first.

Capt David Bugeja
Chief Officer and Harbour Master

23 February 2023

ANNEX 1

Ports and Yachting Directorate

EXEMPTION CERTIFICATE

in accordance with regulation 10 of the
PORT RECEPTION FACILITIES FOR THE DELIVERY OF WASTE FROM SHIPS (SL 499.71)

	<i>Operator</i>	<i>Ship Agent</i>		
Name:				
Address:				
E-mail:				
Tel. No.:				
Name of Ship:	Type:	IMO number:	Flag:	

The ship is engaged in scheduled traffic between the following ports:

Frequency of port calls in Malta:

Name of waste management company/companies and port/s with which the waste management arrangement has been concluded (waste oils, garbage, sewage):

	<u>Waste Oils</u>	<u>Sewage</u>	<u>Garbage</u>
Name and Address of collector of waste:			
Name of port/s:			
Type of Exemption:	Reg. 7:	Reg. 8:	Reg. 9:
Validity Period of Exemption:	From:	To:	

- 1 Any change to the above information will invalidate this Certificate.**
- 2 It is the operator's responsibility to ensure that all renewal documents are submitted to this office at least fourteen (14) days prior to the expiry date of this Certificate.**

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 f/Head, Marine Operations | Incident Response

Date