Organisation of ship waste management in ports

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Summary

The State Audit Office (SAO) audited the organisation of ship waste management in ports in the period from January 2000 to June 2004. The audit was conducted in collaboration with the supreme audit institutions of the other Baltic Sea countries. The audit examined Government compliance with the Helsinki Convention in respect of the prevention of pollution originating from ships.

There are 21 ports entered in the Estonian national register of ports, which, according to the ports, are visited by 27,000 vessels annually. The audit focused on the provision of facilities for the reception by ports of most voluminous waste generated by ships (hereinafter ship waste) – bilge water, consumer waste and sewage. Of the said ship waste, data are collected only on handled bilge water. In 2003, the ports collected 22,000 tons of bilge water.

Relevant observations

There are no common rules for the organisation of ship waste reception. Due to the lack of rules, the port authorities organise the reception of ship waste within their own discretion and unevenly. For instance 11 % of ports accept consumer waste and sewage only in limited amounts. In consequence of the lack of common rules, responsibility is dispersed, because port authorities have mostly delegated waste management to ship agents. Thus in the case of sea pollution the identification of a specific liable entity may prove impossible.

In ports, ship waste cannot be given up under a harmonized system of waste reception fees. Pursuant to the provisions of the EU Directive, a port must collect all ship waste applying a harmonized system of charges.1 To date, the government has provided for the collection of engine room bilge water at no additional cost. The ports, however, often evade the requirement established by the government, therefore the collection of bilge water on the account of port charges is fully granted only by 54 % of ports. 21 % of ports collect engine space bilge water on the account of port charges only in limited quantities. This hinders the discharge of waste in Estonian ports and ships become potential polluters of the sea.

There are no reliable data available on collected bilge water. According to waste reports, the amounts of collected bilge water have fluctuated over three times across the years. The quantities of bilge water as specified in the hazardous waste manifests are by 29 % lower than those recorded in waste reports. Thus there are no reliable data available on the collected bilge water. It is impossible to say whether the difference is due to an error in data collection and processing or whether bilge water is discharged into the sea. Insufficient data hinder the planning of measures for improvement in the reception of bilge water.

There is neither supervision nor penalties. It has not been clearly established which government authority is responsible for exercising supervision of the actual discharge of ship waste, therefore no supervision is carried out. Neither are there any penalties applicable in the case a ship leaves a port without having given up its wastes. Hence, we cannot count on the decrease of the pollution incidents at sea.

Main proposals

In order to maintain the efficient organisation of ship waste reception in ports we recommend that the **Minister of Economic Affairs and Communications**:

- Determine the role of port authorities in the organisation of waste reception in ports in line with the obligations and responsibility related thereto. The specification of roles makes the port authority's work unambiguously clear and avoids situations where, in the case of a pollution incident, identification of a responsible entity may prove impossible.
- Ensure the discharge in ports of all ship wastes under the principle of a unified fee system. This entails the harmonization of the Regulation on "Procedure for the reception of bilge water, sewage, garbage and pollutants from ships" with the EU Directive 2000/59/EC so that there exist a harmonized system of port fees for waste disposal, irrespective of whether any wastes are

actually delivered. The harmonized system will rely on the internationally established principles for environmental protection and encourage ship owners to dispose of waste at Estonian ports.

In order to ensure the collection of reliable data on waste and to maintain the uniformity and comparability of waste reporting we recommend that the **Minister of the Environment**:

- Analyse what kind of information, from whom and why should be collected about ship-generated waste, whereas the collection and analysis of data on bilge water should be improved. This entails making the Information and Technology Centre of the Ministry of the Environment responsible for the comparison and analysis of the hazardous waste manifests and waste reports.

In order to ensure that ship-generated waste is discharged to port reception facilities under the assumed international obligations, we recommend that the **Minister of the Environment**:

- Initiate the ratification of amendments to the Helsinki Convention.

the **Minister of Economic Affairs and Communications**:

- Designate an entity to exercise control over the discharge of ship waste at ports, by making amendments to the Maritime Safety Act where appropriate. The introduction of the supervisory function must ensure that ships do not leave ports without having delivered their wastes to a port reception facility.
- Impose penalties on ships that do not discharge waste in ports, for instance by making relevant amendments to the Maritime Safety Act. The introduction of penalties will provide incentives for ship owners to release waste in an environmentally safe manner.

Responses from the Ministers

Responsibility for the prevention of pollution originating from ships rests with the Ministries of the Environment and of the Economic Affairs and Communications. Both ministries agreed to the proposals made by the SAO and admitted that the field at issue has not been administered purposefully and that inter-ministerial collaboration is inadequate.

The Ministry of the Environment announced that in two months' time it will design and present to the session of the Cabinet of Ministers a draft aiming to ensure improved organisation of marine environment protection. Further, it appeared from the reply of the Minister of the Environment that there will be a working group set up at the Ministry of Economic Affairs and Communications who, among other things, should make improvements to the legal framework for ship waste and take account of the relevant proposals made by the SAO in the audit report.

The Ministry of Economic Affairs and Communications will consider the proposals of the SAO in drafting the work programme for 2005.

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