



Guidance for Ship Inspections on PRF

**Guidance for Ship Inspections under the
Port Reception Facilities Directive
Directive (EU) 2019/883**

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In the event of lack of clarity or in doubt of a requirement(s) in this EMSA guidance, or dispute arising out of an event, the legal texts are prevailing.

Draft

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List of Abbreviations

Abbreviation	In full
ATA	Actual Time of Arrival
AWN	Advanced Waste Notification
EMSA	European Maritime Safety Agency
ETA	Estimated Time of Arrival
GISIS	Global Integrated Shipping Information System
HME	Harmful to the Marine Environment
IMO	International Maritime Organization
IOPP Certificate	International Oil Pollution Prevention Certificate
IAPP Certificate	International Air Pollution Prevention Certificate
MS	Member State
NLS Certificate	Noxious Liquid Substances Certificate
PRF	Port Reception Facilities
PRF Directive	Directive (EU) 2019/883 on Port Reception Facilities for the delivery of waste from Ship, amending Directive 2010/65/EU and repealing Directive 2000/59/EC
PSC	Port State Control
RBT	Risk Based Targeting
ODS	Ozone Depleting Substances
SSN	SafeSeaNet, Community vessel traffic monitoring and information system established by Directive 2002/59/C.
WR	Waste Receipt

1 Introduction

The main objective of the Directive (EU) 2019/883 on Port Reception Facilities for the delivery of waste from ships, (hereafter referred to as 'the PRF Directive') is to reduce the discharge of ship waste including cargo residues (hereafter referred to as 'waste from ships' or just 'waste') into the sea, by requiring that vessels visiting EU ports deliver all waste from ships to port reception facility (hereafter referred as PRF) before departure.

This document should be read in conjunction with the text of the PRF Directive.

1.1 Objective

The goal of this document is to provide guidance for a harmonised approach to the inspection of ships within the context of the PRF Directive, ascertaining their compliance, identifying non-compliances, applying enforcement procedures and follow-up actions.

This guidance has been developed to facilitate ship inspections that are to be undertaken by the Member States (MS) in accordance with the provisions of the PRF Directive.

1.2 Definitions

The terms used in this document are defined in the PRF Directive as followed:

- (1) 'ship' means a seagoing vessel of any type operating in the marine environment, including fishing vessels, recreational craft, hydrofoil boats, air-cushion vehicles, submersibles and floating craft;
- (2) 'MARPOL Convention' means the International Convention for the Prevention of Pollution from Ships, in its up to date version;
- (3) '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 MARPOL Convention, as well as passively fished waste;
- (4) 'passively fished waste' means waste collected in nets during fishing operations;
- (5) 'cargo residues' means the remnants of any cargo material on board which remain on the deck or in holds or tanks following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash-water, excluding cargo dust remaining on the deck after sweeping or dust of the external surfaces of the ship;
- (6) 'port reception facility' means any facility which is fixed, floating or mobile and capable of providing the service of receiving the waste from ships;
- (7) 'fishing vessel' means any ship equipped or used commercially for catching fish or other living resources from the sea;
- (8) 'recreational craft' means a ship of any type, with a hull length of 2,5 metres or more, regardless of the means of propulsion, intended for sports or leisure purposes, and not engaged in trade;
- (9) 'port' means a place, or a geographical area made up of such improvement works and equipment designed principally to permit the reception of ships, including the anchorage area within the jurisdiction of the port;
- (10) 'sufficient storage capacity' means enough capacity to store the waste on board from the moment of departure until the next port of call, including the waste that is likely to be generated during the voyage;

(11) '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 schedule;

(12) 'regular port calls' means 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;

(13) 'frequent port calls' means visits by a ship to the same port taking place at least once a fortnight;

(14) 'GISIS' means the Global Integrated Shipping Information System set up by the IMO;

(15) 'treatment' means recovery or disposal operations, including preparation prior to recovery or disposal;

(16) 'indirect fee' means a fee paid for the provision of port reception facility services, irrespective of the actual delivery of waste from ships.

1.3 Delivery of waste and scope of application

The master of a ship calling at a Union port shall, before leaving that port, deliver all the waste carried on board to a port reception facility in accordance with the relevant discharge provisions laid down in the MARPOL Convention. However, the following "Exceptions" may be applicable to the obligation to deliver the waste from ships whereby a ship may proceed to the next port of call without delivering the waste (Article 7.4):

(a) the information provided in the AWN and WR shows that there is 'sufficient dedicated storage capacity' for all waste that has been accumulated and will be accumulated during the intended voyage of the ship until the next port of call;

(b) the information available on board ships falling outside the scope of electronic reporting via SafeSeaNet (SSN) (see Annex 7¹) shows that there is 'sufficient dedicated storage capacity' for all waste that has been accumulated and will be accumulated during the intended voyage of the ship until the next port of call; or

(c) the ship only calls at an anchorage for less than 24 hours or under adverse weather conditions (unless such an area has been excluded by the MS of the scope of the PRF Directive).

The PRF Directive applies to all ships irrespective of the flag, including fishing vessels and recreational craft, calling at, or operating within, a port of a MS, with the exception of ships engaged in port services within the meaning of Article 1(2)² of Regulation (EU) 2017/352³, and 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 a government non-commercial basis (PRF Directive Art. 3).

Anchorage areas may be excluded by MSs from fulfilling the requirements of the PRF Directive regarding notification and delivery of waste.

MSs shall take measures to ensure that, where reasonably possible, ships that do not fall within the scope of the PRF Directive deliver their waste in a manner consistent with the PRF Directive.

1.4 Preliminary considerations

PRF inspections in EU ports on ships, to which the PRF Directive is applicable irrespective of their flag, should be carried in a harmonized way. In addition to the PRF Directive requirements, there may be requirements

¹ Annex 7 provides an overview of the scope of the PRF Directive, indicating, as well the reporting obligations to SSN.

² 'Port services' either inside the port area or on the waterway access to the port: bunkering, cargo-handling, mooring, passenger services, collection of ship-generated waste and cargo residues, pilotage and towage.

³ Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports.

arising from national legislations of the MSs or international regulations from the International Maritime Organization (IMO) that should be also correctly enforced.

PRF inspections must be based on the requirements of the PRF Directive. However, where the PRF Directive lacks further guidance on issues of importance to the PRF inspection, regulations from the MARPOL Convention may be used as benchmarks, i.e., considered mandatory.

Member States enforcement obligations in relation to the Directive

PRF inspections to ships derive from the obligations placed on the MSs in Articles 10 and 11 of the PRF Directive, that states that MSs shall ensure that any ship may be subject to inspections, including random ones, in order to verify that it complies with the PRF Directive.

Each MS shall carry out inspections of ships calling in its ports corresponding to at least 15 % of the ships calling their ports based on the average of individual ships calling in the last 3 calendar years.

The main issues concerning enforcement, are related to the delivery of waste from ships (Article 7), and the inherent mechanisms that are linked to the delivery, such as the AWN and WR. Inspectors may also need to deal with situations where there exist non-compliances from the ship's previous ports of call. In addition, it should be noted that exempted ships may still be inspected to confirm the terms of the Exemption⁴Certificate, including the electronic reporting of WR and AWN.

MSs must ensure that a ship has met its obligation to deliver, before departure, all its waste if:

- (a) it cannot be established, based on the available information, that adequate port reception facilities are available at the next port of call,
- (b) the next port of call is unknown, or
- (c) there is evidence of no 'sufficient storage capacity' for all waste that has been accumulated and that will be accumulated during the intended voyage of the ship until the next port of call, even in the case of Exempted ships.

1.5 Relevant certificates and other documentation

In order to establish whether a ship is in compliance with the requirements of the PRF Directive, the following documentation should be examined as appropriate.

1.5.1 Documents referred to under the PRF Directive

- Advanced Waste Notification Form, AWN (Article 6 and Annex 2 of the PRF Directive and Annex 4 of this document)

Annex 2 of the PRF Directive sets out the format of the AWN Form that should be used by the operator, agent or master of the ship for notification to the authority or body designated by the MS in which the port is located.

The Advance Waste Notification Form (AWN) shall be communicated:

- a) at least 24 hours prior to arrival, if the port of call is known;
- 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.

⁴ Note: the term 'Exemption' is different from 'Exception'. 'Exemption' refers to a specific vessel being released from an obligation or liability by the Maritime Administration of the country where the port is located, based on the conditions in Article 9 of the PRF Directive. An exemption is also for a certain time interval and for a certain number of ports. 'Exception' refers to the specific situation, for a vessel in a specific port call, to be free from the general rule of disposing all its waste before departure. (for Example, Article 7.4)

The AWN must include information on:

- details about the ship, including the ships' name, call sign, IMO identification number and flag State;
- the ships' last and next port of call;
- the ships' last port where waste from ships has been delivered;
- the waste types and amounts of waste from ships the ship has on board;
- the amount of waste from ships it intends to deliver to the PRF in port;
- the amount of waste from ships the ship intends to keep on board; and,
- the maximum dedicated storage capacity the ship has for each waste type of waste

A copy of the AWN shall be available on board, at least until the next port of call and shall be made available upon request to the relevant Member States' authorities

This document is important for a PRF inspection as it provides the basic information on which the PRF inspection is based.

■ Waste Delivery Receipt, WR (Article 7 and Annex 3 of the PRF Directive and Annex 5 of this document)

Upon delivery, the port reception facility operator or the authority of the port where the waste was delivered shall issue and provide, without undue delay, the WR to the master of the ship.

It should be noted that small ports with unmanned facilities or remotely located may not issue WR as they may be exempted from doing this (Article 7.2 second paragraph).

The information from the WR must be available on board for at least two years, together with appropriated records in for example the Oil Record Book, Cargo Record Book, Garbage Record Book or the Garbage Management Plan as relevant and shall be made available upon request to the Member States' authorities.

■ Exemption Certificate (Article 9 of the PRF Directive and Annex 6 of this document)

Ships may be exempted from the obligations related to the AWN, the delivery of waste and payment of port waste fees, provided that the necessary conditions as per Article 9 of the PRF Directive are met.

If a ship has been granted an exemption, the MS where the port is located shall issue an exemption certificate, confirming that the ship meets the necessary conditions and requirements for the application of the exemption and stating its duration.

It is important to note that even in case an exemption has been granted, a ship shall not proceed to the next port of call if it can be determined that is not sufficient dedicated storage capacity for all waste that has been accumulated and that will be accumulated during the intended voyage of the ship to that port.

1.5.2 Other relevant documents on board

The following documents are required under international law and might also be relevant in the context of a PRF inspection to ascertain compliance with the requirements of the PRF Directive.

■ Ships' logbooks

Under the term of ships' logbooks, the following relevant documents for a PRF inspection, as a minimum, could be considered:

- Oil Record Book Parts I and II;
- Cargo Record Book;

- Ozone-depleting substances Record book;
- Records of navigational activities;
- Engine logbooks; and,
- Garbage Record Book, Part I and II.

■ Oil Record Book and Cargo Record Book

Every ship of 400GT and above and every Oil Tanker of 150GT and above must have an Oil Record Book Part I (Machinery space operations) and every Oil Tanker of 150GT and above must have an Oil Record Book, Part II (Cargo/ballast operations) on board. All chemical tankers must also have a cargo record book on board. Entries in the Oil Record Book and the Cargo Record Book should be drawn up at least in English or French or Spanish.

The Oil Record Book and Cargo Record Book must be kept on board the ship in such a place as to be readily available for inspection. It shall be preserved for a period of three years after the last entry has been made. For compliance verification with the PRF Directive, the Oil Record Book, and when applicable, the Cargo Record Book, is therefore an essential part of the PRF inspection.

■ Records of navigational activities

Records of navigational activities must be kept on board all ships of 150GT and above, engaged on international voyages and on all other ships of 500GT and above (excluding fishing vessels). In addition, each ship of 500GT and above, in the case where the voyage exceeds 48 hours, must submit a daily report to its company, which shall retain this and all subsequent daily reports for the duration of the voyage. The reports shall contain, as a minimum, the following information:

- the ship's position,
- the ship's course and speed and,
- details of any external or internal conditions that are affecting the ship's voyage or the normal safe operation of the ship.

The above information is essential to obtain a complete record of the voyage, which may be used during the PRF Inspection. These documents can be of additional support to the PRF inspector to gain understanding of the vessel operations, including changes of course (as for example those related to safety issues) on board. Also, the consultation of the previous port calls list can provide relevant information from other previous voyages.

■ Garbage Record Book

Every ship of 400GT and above and every ship which is certified to carry 15 persons or more engaged in international voyages is to have a Garbage Record Book which is split in two parts. Part I for recording the management of all garbage, and Part II for recording the management of all solid bulk cargo residues (Annex V cargo residues, Harmful to the Marine Environment (HME) and non-HME). The Garbage Record Book, whether as a part of the ship's official logbook or otherwise, is to be in the form specified in Appendix II of MARPOL Annex V and be completed at least in English, French or Spanish. Where the entries are also made in an official language of the State whose flag the ship is entitled to fly, the entries in that language shall prevail in case of a dispute or discrepancy;⁵

Each discharge into the sea or delivery to a reception facility, or a completed incineration, shall be promptly recorded in the Garbage Record Book and signed for on the date of the discharge, delivery or incineration by the officer in charge. It should be noted that receipts must be kept on board the ship with the Garbage Record Book for a period of at least two years from the date of the last entry made in it⁵ and the amount of garbage

⁵ MARPOL Annex V 2019 Amendment (74th) / Reg. 10

on board should be estimated in cubic metres. The Garbage Record Book contains many references to the estimated amount of garbage, and it is recognized that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will also differ before and after processing and some processing procedures may not allow for a usable estimate of volume, e.g. the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.

The Garbage Record Book also contains additional information like date, time and position of the ship (latitude and longitude) at the start and stop of incineration. For each discharge to a port reception facility or to another ship, each entry shall include date and time of discharge, port or facility or name of ship, categories of garbage discharged, and the estimated amount discharged for each category in cubic meters⁵;

The Garbage Record Book is an essential document for the PRF Inspection as it contains the entire history of garbage management on board the ship.

■ Garbage Management Plan

Every ship of 100GT and above, and every ship which is certified to carry 15 persons or more, is to carry a garbage management plan, which the crew shall follow, and should provide written procedures for minimising,⁵ collecting, storing, processing and disposing of garbage, including the use of the equipment on board. It shall also designate the person or persons in charge of carrying out the plan and (including the identification of an Environmental Control Officer)⁶ is written in the working language of the crew. This document is also relevant to the PRF Inspection as it sets out the way garbage is managed on the ship and will therefore contain information that will support the assessment of storage capacity and the way of processing and minimizing the quantities on board. Requirements for garbage receptacles and appropriate spaces throughout the ship where they can be placed can be found related IMO Guidelines⁶. Information on spaces used for storage of ship's waste can be verified against the ship's approved plans such as the tank and capacity plan, as well as general arrangement plan.

■ International Sewage Pollution Prevention Certificate

This certificate to be kept by ships 400GT or more, or less than 400GT and certified to carry more than 15 persons engaged in an international voyage. This certificate is to show that the Sewage Treatment Plant, the comminuting and maceration system or holding tank has been examined and satisfactorily approved in accordance with the IMO operational requirements. This certificate also states the capacity of any sewage holding tanks on the vessel. This document will be important to assess what equipment the ship has on board, how sewage is treated and managed on board the ship, and therefore, whether sewage on board ships should have been delivered in port.

■ International Oil Pollution Prevention Certificate (IOPP Certificate) and the Supplement to the International Oil Pollution Prevention Certificate

The IOPP Certificate provides a record of construction and equipment for oil tankers, ships other than an oil tanker with cargo tanks coming under regulation 2.2 of Annex I of MARPOL (Form B) and all ships other than any of the above (Form A). These Forms states information on the capacity of:

- holding tank(s) for the total retention on board of all oily bilge water;
- holding tank(s) for the total retention on board of oil residue (sludge) tanks;
- slop tanks;
- any incinerator for oil residues;
- any auxiliary boiler suitable for burning oil residues;
- tanks for mixing oil residues with fuel oil, capacity; and,
- any other acceptable means for the disposal of residues in addition to the provisions of sludge tanks.
- oil separating/filtering and discharge monitoring equipment;

⁶ RESOLUTION MEPC.295(71) (adopted on 7 July 2017) 2017 GUIDELINES FOR THE IMPLEMENTATION OF MARPOL ANNEX V

■ **International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS Certificate) and the Procedures and Arrangements Manual**

The NLS Certificate provides a list of NLS and the conditions of carriage for chemical tankers coming under regulation 2 of Annex II of MARPOL. The procedures and arrangements manual provide information on the tank cleaning equipment and the cleaning arrangements to be applied on the respective ship in order to comply with any prewash requirement stipulated for specific cargoes under MARPOL Annex II. The Procedures and Arrangement Manual also contains relevant information for calculating stripping quantities to assess the amount of product remaining after discharge.

■ **International Air Pollution Prevention Certificate (IAPP Certificate) and the Supplement to the International Air Pollution Prevention Certificate**

An International IAPP certificate shall be issued for every ship of 400GT and above as well as platforms and drilling rigs engaged in international voyages.

Operational systems or equipment onboard using Ozone Depleting Substances (ODS) shall be listed in the IAPP Certificate Supplement. If repairs or replacements of these equipment are required, the ODS and/or equipment removed from the ship shall be delivered to an appropriate PRF facility and an annotation shall be made in the ozone-depleting record book.

The IAPP certificate also indicates whether the ship has an incinerator suitable for burning solid waste, and whether it is type approved.

If the ship is using an EGCS, it should also be identified in the Supplement of the IAPP certificate, specifying whether it applies to all fuel combustion machinery on board (main engine, auxiliary engines and boilers) or only to some of them. The type of EGCS may be also reported in the IAPP certificate: close loop, open loop or hybrid. Additional approved documentation on the EGCS, such as SOx emissions compliance plan, EGCS Technical Manual and Onboard Monitoring Manual are relevant for the inspection.

2 PRF inspection

Inspectors should be duly authorised by the designated Competent Authority for the enforcement of the PRF Directive, and be conversant with its requirements, relevant national legislation and the IMO Conventions and Guidelines therein referenced.

In relation to the pre-boarding preparation, the MSs may need to develop pre-boarding preparation documents, specific instructions regarding the selection of ships for inspection as well as any other relevant form that may be required to conduct PRF inspection.

A PRF inspection consists of the following stages:

Pre-boarding:

- Ship information
- Selection of a ship for inspection

On board inspection:

- Preliminary verifications
- Verification of the main requirements and documents (whenever mandatory for the specific vessel under inspection) under the PRF Directive

Follow-up actions

- Non-compliances with the PRF Directive
- Reporting

2.1 Pre-boarding

2.1.1 Ship information

Before boarding, relevant information about the ships in port may be obtained from THETIS-EU and other sources. This may include information on, for example, ship particulars, last and next port of call, arrival and departure times, port stay duration, AWN, as well as obtaining information about the ship's actual arrangements for waste delivery. Further information may directly be obtained through the port Authorities or the ship's agent. The information gathered needs to be confirmed once on board.

It should be noted that some vessels are not required to send notifications via SSN (under the scope of Directive 2002/59/EC Article 2), and therefore all related information could be gathered instead through the ship's agent or onboard (See Annex 7). Directive 2002/59/EC Article 2 Scope:

1. This Directive applies to ships of 300 gross tonnage and upwards, unless stated otherwise.
2. Unless otherwise provided, this Directive **shall not apply to**:
 - (a) warships, naval auxiliaries and other ships owned or operated by a Member State and used for non-commercial public service.
 - (b) fishing vessels, traditional ships and recreational craft with a length of less than 45 metres.
 - (c) bunkers on ships below 1 000 gross tonnage and ships' stores and equipment for use on board all ships.

IMO GISIS could also provide additional relevant information such as on available PRF facilities on the next port of call, which may be relevant for instance to assess the need of waste to be delivered in the present port if there is no available PRF in the next port.

Inspectors may retrieve from THETIS-EU any additional inspection data reported by any MS for the purpose of monitoring the implementation of the PRF Directive. Information on AWN as well as any Exemption Certificate issue to the ship may be also obtained from THETIS-EU or SSN. Further information on the ship or its previous and future journeys, may directly be obtained from Port Authorities or the ship's agent.

Information on the cargo should also be gathered. For chemical tankers, information should include whether the cargo is classified as category X, Y or Z (high viscous, solidifying) under MARPOL Annex II, and for dry bulk cargo carriers, whether the cargo is harmful to the marine environment. This information can be obtained from the cargo documents which can be requested through the ships' agent. For dry bulk cargo carriers, the information should be available in the "Shipper's declaration", which should accompany every dry bulk cargo, and can be requested to the master of the ship

2.1.2 Selection of a ship for inspection

Union Risk Targeting mechanism

Selection of individual ships for inspection may be based on risk-based methods developed at national level, PRF inspectors may also use the Union risk-targeting mechanism established by the Commission Implementing Act to select the ships for inspection. The Union RBT mechanism classifies any vessel calling at an EU port into a Risk Level Class, where it is assumed that the probability of identifying a non-compliance during a PRF inspection is higher for vessels with higher Risk Levels. See Annex 2.

Selection criteria

Based on the ships at the port, the information gathered, and the information provided by THETIS-EU, a ship may be selected for a PRF Inspection by the MS. The decision on which ships should be inspected lies with the PRF inspector and may be based on numerous factors. However, inspectors should pay particular attention to ships:

- which have not complied with the AWN requirement (Article 6);
- that have proceeded to sea without having delivered waste in the previous port (Article 7);
- having any PRF alert in THETIS-EU; or
- having no inspections during the last 12 months.

In addition, the examination of information from the AWN can provide additional key elements for selecting a ship for inspection as the following information can be obtained from it:

- last port and date where the waste was delivered,
- the amount of waste from ships the ship has notified that it has on board and will deliver to the PRF,
- the maximum dedicated storage capacity for each type of waste from ships on board the ship,
- how much waste from ships the ship intends to keep on board after this port call, and
- how much waste from ships the ship estimate that will generated between the notification and the next port call.

Alerts⁷

Any alerts indicating potential non-compliance received from a third party, especially from another MS, concerning the waste delivering should be investigated to determine whether a ship should be inspected. Currently, THETIS-EU provides the following type of alerts:

Inserted manually

- Failure to comply with PRF reporting obligations;
- Possible non-compliance with PRF Directive;
- Ship sailed without complying with the waste delivery;

⁷ This part will be revised once the Implementing Act on Risk Based Targeting is adopted, and the THETIS-EU PRD Module is updated accordingly.

- Not inspected (No previous PRF inspections carried out, within the context of the PRF Directive).

Automatic alerts

- Failure to comply with PRF reporting obligations

Whenever there is an alert for a particular ship, the ship should be prioritized for an inspection. If the ship is selected for an inspection, the alert that triggered its selection should be archived by the inspector following the inspection (or the reason that originated the alert no longer applies) while reporting in THETIS-EU.

2.2 On board inspection

2.2.1 Preliminary verifications

During the pre-boarding phase, significant information about the ship is collected which should be verified once on board. This information may be also important as part of the details that need to be recorded after the inspection:

- ship particulars and cargo on board,
- last port and date where the waste was delivered,
- in case the previous port of delivery was EU-port: verification of WR,
- the amount of waste the ship has notified that it has on board and will deliver to the PRF,
- the maximum dedicated storage capacity for each type of waste on board the ship,
- how much waste the ship intends to keep on board after this port call, and
- how much waste the ship estimate that will generated between the notification and the next port call.

The PRF Directive obliges ships to deliver the waste in each port and should upon this receive a WR issued by the PRF operator or by the port authority. This should be kept on board for a minimum of two years. For those ships obliged to report in SSN, upon receiving the WR, they should report electronically the information contained in the WR in that system. Based on this, a PRF inspection should be limited to determining whether the ship:

- has delivered or will be delivering the waste at the inspection port; or
- has a valid exemption certificate in place, or
- has sufficient dedicated storage capacity to keep the waste on board until the next port of call.

In case a ship is not obliged to report electronically, some of the preliminary verifications suggested above cannot be performed. The notification forms and receipts available on board should then be consulted while on board instead.

2.2.2 Delivery of waste from ships

If the PRF inspection takes place before delivery of the waste from ships the inspector should check whether:

- an AWN has been received at the port of inspection;
- the information in the AWN is consistent with the current waste on board;
- the ship is already preparing for the waste to be delivered;
- the ship has been informed by the port, the ship's agent, the PRF or the waste contractor, that transport will arrive at the ship with suitable PRF at a certain time;
- if appropriate, the ship's agent has arranged for the ship to be serviced by PRF or a waste contractor; and,
- there have been no previous problems with the ship delivering its waste.

If the PRF inspection takes place after delivery of the waste, the inspector should check that:

- delivery of the pre-notified waste did occur at the port of inspection,
- the delivery was complete,
- a WR is available for the current port and has been uploaded into SSN, and appropriate records have been made in the ship's record books.

It shall be noted that verification of record books will in some cases not be possible, if the applicable document is not required for that specific ship (example: ships < 100 GT are not obliged to have a Garbage Management Plan). In this case, visual verifications will be the main compliance validation mean.

In addition, a physical check on deck is recommended, also in the garbage storeroom, in the gally and in the engine room (including the incinerator), to check whether no waste has been left behind. If waste is lying around, the captain should be asked to place the waste in the appropriate waste bins and, if necessary, have the current content of the waste bins adjusted on the waste notification.

2.2.3 Exempted ships

Inspectors should also monitor and enforce the arrangements for the delivery of waste for any exempted ships visiting their ports, or claiming to be exempted, from notifying, delivering or paying a fee for their waste (or any mixture of notifying, delivering or paying a fee) under Article 9 of the PRF Directive.

In order to verify that an exemption is valid for a ship, the inspector should:

- ask the master of the ship for the Exemption Certificate to ensure it is on board the ship;
- ensure that the Exemption Certificate is complete, is valid and is signed by the competent body from the MS (exemptions can only be given by a MS for the ports in their country);
- verify that the Exemption Certificate is applicable to the ship being inspected;
- verify that the conditions and requirements of the exemption are being fulfilled by inspecting the corresponding record books and verifying that the receipts are on board; Conditions and requirements are as follows:
 - a ship is engaged in a scheduled traffic with frequent and regular port calls,
 - an arrangement is in place (with proof of a signed contract and WRs) ensuring that the waste from the ship would be delivered, and the fees paid, in a port along the ship's route,
 - the arrangement has been accepted by the port where delivery and fee payment will be taking place, and
 - the arrangement has been previously notified to the port where the inspection is taken place
- verify that any deviations from the route if any were made because of force majeure; and,
- verify that the waste is being delivered to the nominated PRF in the nominated port of the route.

2.2.4 Exceptions from Mandatory Delivery based on Sufficient Dedicated Storage

The PRF Directive provides the exception to deliver waste from ships when the ship has ‘sufficient dedicated storage capacity’ to keep the waste on board until the next port of call (Article 7.4). The determination of whether the ship has sufficient capacity on board for the waste and the amount of waste likely to be produced on the next voyage, must be based on the Commission Implementing Act ‘Method for calculating Sufficient Storage Capacity’ (Annex 1). The calculation will be available in THETIS-EU.

If based on the estimations performed, the competent authority considers that the ship has sufficient capacity to store the waste then the ship may be granted an Exception from mandatory delivery. The calculation in THETIS-EU, however, should be confirmed on board to the extent possible, in order to confirm that the information reported electronically is reliable.

2.2.5 Ascertaining compliance

Should the general impressions and on board checks of documentation confirm the ship is meeting the requirements of the PRF Directive then the inspection should be limited to the checks in subsection 2.2.2. However, situations might arise where proof may be needed to determine that the ship is not ready to deliver the Waste from Ships it has notified on the AWN, or no action has been taken to ensure this Waste from Ships will be delivered.

Depending on the case, evidence may be obtained through the inspection:

- of the capacities outlined in the documentation on board such as the Garbage Management Plan and the AWN;
- of the waste that the ship has declared that it will keep on board to confirm that the amount is accurate;
- of the remaining storage capacity on board to confirm that is adequate for the waste that will be generated;
- of the AWN of the previous port of delivery; and
- of the WRs of the previous ports of delivery in accordance with relevant entries in the record books to ensure that delivery has been occurring regularly.

It is important to underline that factors such as “sufficient storage capacity” and “next port of call known/unknown” should be taken into account as available at the time of inspection. Claims during an inspection such as that waste will be incinerated or compacted during the next voyage, resulting in “sufficient capacity”, or that the next port of call will be known just before sailing shall be disregarded if not duly justified.

In addition, the inspector may verify whether the AWN submitted prior arrival to the port fulfilled the requirements in the PRF Directive (Article 6.1). In particular, the inspector may check if the AWN:

- is present on board the ship;
- has been filled in appropriately with information on the actual waste generated on board;
- is correct for the relevant types of waste; and
- reported the waste storage capacities as stated in the relevant documentation on board (e.g. Garbage Management Plan, Supplement to the IOPP Certificate and the International Sewage Pollution Prevention Certificate).
- Corresponds to the data that has been reported to SSN

2.3 Non-compliances

If the competent authority considers that the ship:

- is not ready to deliver the waste it has notified on the AWN;
- no action has been taken to ensure the waste will be delivered;
- does not have sufficient capacity to store the waste to be kept on board and the waste that will be produced on the next voyage;
- has not submitted the AWN according to the requirements in the PRF Directive;
- is not operating in line with the conditions under which the Exemption Certificate was issued; a relevant enforcement action should be undertaken;
- Or does not keep the WR on board for a period of at least two years.

Any enforcement actions should be undertaken in accordance with the national legislation transposing the PRF Directive in the MS and any non-compliances found during the PRF Inspection should be reported in THETIS-EU.

MSs have several tools that can be used to ensure compliance with the PRF Directive once a non-compliance has been identified. These actions range from:

- a warning or simple request to comply with any non-conformity, such as re-notification;
- a formal request to deliver waste before the vessel leaves, for example when there is no sufficient storage capacity for the ships waste for the next journey;
- holding the ship to ensure notification and delivery of all or part of the waste. However, if this happens then the flag State of the ship should be informed in order to follow international practice during survey and inspection. If a ship leaves without notifying and/or delivering its waste, or without following an enforcement request then the next port of call should be notified through THETIS_EU and a manual alert should be included; and,
- penalties as per the provisions in national legislation or for more serious cases a legal case can be initiated against master of the ship/company based on the provisions of the MS national legislation. If the non-compliance is also a deficiency under MARPOL, the relevant authorities should also be informed.

The use of these enforcement rules and penalties are at the discretion of the competent authorities.

A non-exhaustive list of non-compliances and potential actions that could be taken under the PRF Directive can be found in Annex 3.

3 Reporting PRF inspections in THETIS-EU

The results of all PRF inspections should be reported in THETIS-EU, in the dedicated module in THETIS supporting the enforcement of the PRF Directive as per PRF Directive Article 14. Along with the outcome of the inspection, other ship specific information should be inserted in THETIS-EU which could be of relevance for future inspections, like for example the actual storage capacity on board, in particular if different from the value reported in the notification.

Inspectors should report without delay to the THETIS-EU database the information related to the PRF inspections, including information regarding non-compliance as soon as the inspection report has been completed.

In addition, the relevant competent authorities in the MSs, shall ensure that the information related to any prohibition of departure order which have been lifted, or any exemption which has been granted is recorded in SSN.

Inspection outcomes and follow-up actions:

There are three inspections outcomes in THETIS-EU: "Inspection on-going", "Inspected" and 'Inspected and Penalty Applied'. Any PRF inspection while is being processed in THETIS-EU will set the 'Inspection outcome' to 'Inspection on-going' by default. The inspection outcome is visible to all authorised users. As soon as a PRF Inspection is finalised, this should be reported in the information system and the outcome changed consequently to 'Inspected' or to 'Inspected and Penalty Applied'.

As a result of the inspection the overall Inspection Action can be:

- o Prohibition of Departure Order Issued (Article 14.2)
- o Prohibition of Departure Order Lifted (Article 14.2)
- o Prohibition of Departure Order Revoked (Article 14.2)
- o Request Ship to Deliver All Waste: Insufficient Storage
- o Request Ship to Deliver All Waste: PRF (Article 7.5(a))
- o Request Ship to Deliver All Waste: Next Port Unknown (Article 7.5(b))

The outcome of the inspection as well as potential non-compliances, nature of the defect and inspection actions should be appropriately reported by the inspector.

Alerts:

Manual alerts may be used by inspectors to notify other MSs of a possible infringement of the PRF Directive which may lead to a follow-up inspection at the next port of call, as for example:

- Failure to comply with PRF reporting obligations:
- Possible non-compliance with PRF directive: and,
- Ship sailed without complying with waste delivery

Appendix A List of Annexes

Annex 1	Implementing Act on the Calculation of the Sufficient storage Capacity
Annex 2	Implementing Act on the Risk Based Targeting Mechanism
Annex 3	List of Non-Compliances and Inspection Actions
Annex 4	AWN form
Annex 5	WR form
Annex 6	Exemption certificate form
Annex 7	Scope PRF Directive

Annex 1 Method for calculating Sufficient Storage Capacity

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Annex 2 Risk based targeting mechanism

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Annex 3 List of Non-Compliances and Inspection Results

Definition:

“Non-compliances “: to indicate PRF-related non-compliances if found by the PRF Inspector.

Non-Compliance	Nature of Defect	Action Taken	Directive Reference (cons. Edition)
Pre-arrival notification to current port	<ul style="list-style-type: none"> - Not via NSW - Not sent 24 hours prior to arrival - Not sent upon departure last port - Not sent when destination became known - Missing¹ - Incorrect entries² - Incomplete³ - Mismatch between AWN via NSW and Form on board 	<ul style="list-style-type: none"> - Flag informed - Other (free text) - PSC authority informed - Warning issued - Relevant Authorities Informed - Case raised as per provisions pursuant to national legislation - Penalty applied as per provisions pursuant to national legislation - Compliance (notification) requested - Re-notification required - Delivery required 	Art. 6.1 Pre-arrival timing Art. 6.1 Content Art. 6.3 Keeping AWN on board
Pre-arrival notification to previous port	<ul style="list-style-type: none"> - Not via NSW - Missing⁴ - Incorrect entries⁵ 	<ul style="list-style-type: none"> - Flag informed - Other (free text) - PSC authority informed - Warning issued 	

¹ (means: AWN form not kept on board)

² (AWN Form contains incorrect entries)

³ (means: AWN Form Incomplete)

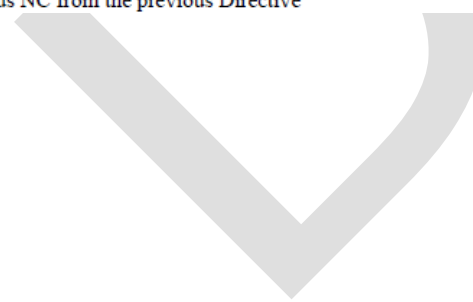
⁴ (means: AWN form not kept on board)

⁵ (AWN Form contains incorrect entries)

Non-Compliance	Nature of Defect	Action Taken	Directive Reference (cons. Edition)
	Incomplete ⁶	<ul style="list-style-type: none"> - Relevant Authorities Informed - Case raised as per provisions pursuant to national legislation - Penalty applied as per provisions pursuant to national legislation - Delivery required 	
Delivery of Ship Generated Waste in current port ⁷ SHALL BE EXPIRED	<ul style="list-style-type: none"> - Delivery did not occur - Incomplete deliver - No intention delivery notified waste 	<ul style="list-style-type: none"> - Compliance (delivery) requested - Foreign Flag consulted - Next port informed - Other (free text) - PSC authority informed - Penalty as per provisions pursuant to national legislation - Delivery required - Warning issued 	
Delivery of waste from ship in current port	<ul style="list-style-type: none"> - Delivery did not occur - No intention to deliver notified waste - Incomplete delivery 	<ul style="list-style-type: none"> - Flag informed - Other (free text) - PSC authority informed - Warning issued - Relevant Authorities Informed - Case raised as per provisions pursuant to national legislation 	Art. 7.1 Delivery obligation Art 7.4 a) and b) Storage Capacity for delivery in next port Art. 7.4 c) Less than 24 h in port

⁶ (means: AWN Form Incomplete)

⁷ Was a previous NC from the previous Directive



Non-Compliance	Nature of Defect	Action Taken	Directive Reference (cons. Edition)
		<ul style="list-style-type: none"> - Penalty applied as per provisions pursuant to national legislation - Delivery Required - Next port informed 	
Delivery of Ship Generated Waste or Cargo Residues in previous port SHALL BE EXPIRED⁸	<ul style="list-style-type: none"> - Delivery did not occur - Incomplete delivery 	<ul style="list-style-type: none"> - Delivery Required - Foreign Flag consulted - Other (free text) - PSC authority informed - Penalty as per provisions pursuant to national legislation (only if previous port is in the same country) - Ship delayed to deliver - Warning issued 	-
Delivery of waste from ship in previous port	<ul style="list-style-type: none"> - Delivery did not occur - Incomplete delivery 	<ul style="list-style-type: none"> - Flag informed - Other (free text) - PSC authority informed - Warning issued - Relevant Authorities informed - Case raised as per provisions pursuant to national legislation - Penalty applied as per provisions pursuant to national legislation⁹ - Delivery required 	Art. 9.5

⁸ Was a previous NC from the previous Directive

⁹ only if previous port is in the same country



Non-Compliance	Nature of Defect	Action Taken	Directive Reference (cons. Edition)
Storage capacity for waste on board	<ul style="list-style-type: none"> - Information not provided - Information not complete - Storage capacity inadequate for next voyage 	<ul style="list-style-type: none"> - Flag informed - Other (free text) - PSC authority informed - Warning issued - Relevant Authorities informed - Case raised as per provisions pursuant to national legislation - Penalty applied as per provisions pursuant to national legislation - Delivery required - Next port of call informed 	Art. 7.1 Storage Capacity
Exemption	<ul style="list-style-type: none"> - Not available ¹⁰ - Information not complete - Not applicable - Not as required - Conditions of exemption not fulfilled - Requirements of exemption not fulfilled 	<ul style="list-style-type: none"> - Flag informed - Other (free text) - PSC authority informed - Warning issued - Relevant Authorities Informed - Case raised as per provisions pursuant to national legislation - Penalty applied as per provisions pursuant to national legislation - Delivery required 	Art. 9.1 Ship outside route declared on exemption Art. 9.4 (arrangements for delivery and payment of the fee in a port along the ship's route)
Cargo residues	<ul style="list-style-type: none"> - Delivery did not occur - Not delivered acc. MARPOL 	<ul style="list-style-type: none"> - Foreign Flag consulted - Next port State informed 	

¹⁰All these 'natures of defect' for this non-compliance are related to the forms on board. Any mismatch with the SSN exemption form or if it is missing from SSN, this can be indicated in the observations of the report, up to the professional judgment of the PRF Inspector

Non-Compliance	Nature of Defect	Action Taken	Directive Reference (cons. Edition)
SHALL BE EXPIRED¹¹		<ul style="list-style-type: none"> - Other (free text) - PSC authority informed - PSC authority informed to launch a MARPOL Contravention Investigation - Penalty as per provisions pursuant to national legislation - Ship delayed to deliver 	
Record books and WR	<ul style="list-style-type: none"> - Information not complete - Incorrect entries - WR and record book inconsistent - WR received and not reported electronically 	<ul style="list-style-type: none"> - Flag informed - Other (free text) - PSC authority informed - Warning issued - Relevant Authorities Informed - Case raised as per provisions pursuant to national legislation - Penalty applied as per provisions pursuant to national legislation - Delivery required 	Art. 7.3 Record books annotations, keeping of WR

Definition:

“Inspection Action “: is used to specify one or more actions taken as a result of the inspection

- **Prohibition of Departure Order Issued**
- **Prohibition of Departure Order Lifted**
- **Prohibition of Departure Order Revoked**
- **Request Ship to Deliver All Waste: Insufficient Storage**
- **Request Ship to Deliver All Waste: PRF**
- **Request Ship to Deliver All Waste: Next Port Unknown**

Annex 4 Advanced waste notification form

STANDARD FORMAT OF THE ADVANCE NOTIFICATION FORM FOR WASTE DELIVERY TO PORT RECEPTION FACILITIES

Notification of the delivery of waste to: _____ (enter name of port of call, as referred to in Article 6 of Directive (EU) 2019/883)

This form should be retained on board the ship along with the appropriate Oil Record Book, Cargo Record Book, Garbage Record Book or Garbage Management Plan as required by the MARPOL Convention.

1. SHIP PARTICULARS

1.1 Name of ship:	1.5 Owner or operator:
1.2 IMO number:	1.6 Distinctive number or letters:
	MMSI (Maritime Mobile Service Identity) number:
1.3 Gross tonnage:	1.7 Flag State:
1.4 Type of ship: <input type="checkbox"/> Oil tanker <input type="checkbox"/> Chemical tanker <input type="checkbox"/> Bulk carrier <input type="checkbox"/> Container <input type="checkbox"/> Other cargo ship <input type="checkbox"/> Passenger ship <input type="checkbox"/> Ro-ro <input type="checkbox"/> Other (specify)	

2. PORT AND VOYAGE PARTICULARS

2.1 Location/terminal name:	2.6 Last port where waste was delivered:
2.2 Arrival date and time:	2.7 Date of last delivery:
2.3 Departure date and time:	2.8 Next port of delivery:
2.4 Last port and country:	2.9 Person submitting this form (if other than the master):
2.5 Next port and country (if known):	

3. TYPE AND AMOUNT OF WASTE AND STORAGE CAPACITY

Type	Waste to be delivered (m ³)	Maximum dedicated storage capacity (m ³)	Amount of waste retained on board (m ³)	Port at which remaining waste will be delivered	Estimated amount of waste to be generated between notification and next port of call (m ³)
MARPOL Annex I – Oil					
Oily bilge water					
Oily residues (sludge)					
Oily tank washings					
Dirty ballast water					

Type	Waste to be delivered (m ³)	Maximum dedicated storage capacity (m ³)	Amount of waste retained on board (m ³)	Port at which remaining waste will be delivered	Estimated amount of waste to be generated between notification and next port of call (m ³)
Scale and sludge from tank cleaning					
Other (please specify)					
MARPOL Annex II – NOXIOUS LIQUID SUBSTANCES (NLS) ⁽¹⁾					
Category X substance					
Category Y substance					
Category Z substance					
OS – other substances					
MARPOL Annex IV – Sewage					
MARPOL Annex V – Garbage					
A. Plastics					
B. Food Waste					
C. Domestic waste (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)					
D. Cooking Oil					
E. Incinerator ashes					
F. Operational waste					
G. Animal carcass(es)					
H. Fishing gear					
I. E-waste					

⁽¹⁾ Indicate the proper shipping name of the NLS involved.

Type	Waste to be delivered (m ³)	Maximum dedicated storage capacity (m ³)	Amount of waste retained on board (m ³)	Port at which remaining waste will be delivered	Estimated amount of waste to be generated between notification and next port of call (m ³)
J. Cargo residues ⁽¹⁾ (Harmful to the Marine Environment – HME)					
K. Cargo residues ⁽²⁾ (non-HME)					
MARPOL Annex VI – Air Pollution related					
Ozone depleting substances and equipment containing such substances ⁽³⁾					
Exhaust gas cleaning residues					

Other waste, not covered by MARPOL					
Passively fished waste					

Notes

1. This information shall be used for port State control and other inspection purposes.
2. This form is to be completed unless the ship is covered by an exemption in accordance with Article 9 of Directive (EU) 2019/883

⁽¹⁾ May be estimates. Indicate the proper shipping name of the dry cargo.

⁽²⁾ May be estimates. Indicate the proper shipping name of the dry cargo.

⁽³⁾ Arising from normal maintenance activities on board.

Annex 5 Waste Receipt form

STANDARD FORMAT FOR THE WASTE DELIVERY RECEIPT

The designated representative of the port reception facility provider shall provide the following form to the master of a ship that has delivered waste in accordance with Article 7 of Directive (EU) 2019/883

This form shall be retained on board the ship along with the appropriate Oil Record Book, Cargo Record Book, Garbage Record Book or Garbage Management Plan as required by the MARPOL Convention.

1. PORT RECEPTION FACILITY AND PORT PARTICULARS

1.1. Location/terminal name:	
1.2. Port reception facility provider(s):	
1.3. Treatment facility provider(s) – if different from above:	
1.4. Waste delivery date and time from:	to:

2. SHIP PARTICULARS

2.1. Name of the ship:		2.5. Owner or operator:	
2.2. IMO number:		2.6. Distinctive number or letters: MMSI (Maritime Mobile Service Identity) number:	
2.3. Gross tonnage:		2.7. Flag State:	
2.4. Type of ship: <input type="checkbox"/> Oil tanker <input type="checkbox"/> Chemical tanker <input type="checkbox"/> Bulk carrier <input type="checkbox"/> Container			
<input type="checkbox"/> Other cargo ship <input type="checkbox"/> Passenger ship <input type="checkbox"/> Ro-ro <input type="checkbox"/> Other (specify)			



3. TYPE AND AMOUNT OF WASTE RECEIVED

MARPOL Annex I – Oil	Quantity (m ³)	MARPOL Annex V – Garbage	Quantity (m ³)
Oily bilge water		A. Plastics	
Oily residues (sludge)		B. Food waste	
Oily tank washings		C. Domestic waste (e.g. paper products, rags, glass, metal, bottles, crockery, etc.)	
Dirty ballast water		D. Cooking oil	
Scale and sludge from tank cleaning		E. Incinerator ashes	
Other (please specify)		F. Operational waste	
MARPOL Annex II – NOXIOUS LIQUID SUBSTANCES (NLS)	Quantity (m ³)/ Name ⁽¹⁾	G. Animal carcass(es)	
Category X substance		H. Fishing gear	
Category Y substance		I. E-waste	
		J. Cargo residues ⁽²⁾ (Harmful to the Marine Environment – HME)	
		K. Cargo residues ⁽²⁾ (non-HME)	
		MARPOL Annex VI – Air Pollution related	Quantity (m ³)
Category Z substance		Ozone-depleting substances and equipment containing such substances	
OS – other substance		Exhaust gas-cleaning residues	
MARPOL Annex IV – Sewage	Quantity (m ³)	Other waste, not covered by MARPOL	Quantity (m ³)
		Passively fished waste	

⁽¹⁾ Indicate the proper shipping name of the NLS involved.⁽²⁾ Indicate the proper shipping name of the dry cargo.

Annex 6 Exemption Certificate form

EXEMPTION CERTIFICATE PURSUANT TO ARTICLE 9 IN RELATION TO THE REQUIREMENTS UNDER ARTICLE 6, ARTICLE 7(1) AND ARTICLE 8 OF DIRECTIVE (EU) 2019/883 AT THE PORT[S] OF [INSERT PORT] IN [INSERT MEMBER STATE] ⁽¹⁾

Name of ship	Distinctive number or letters	Flag State
[insert name of the ship]	[insert IMO number]	[insert name of the Flag State]

is in scheduled traffic with frequent and regular port calls at the following port(s) located in [insert name of the Member State] according to a schedule or predetermined route:

[]

and calls at these ports at least once a fortnight:

[]

and has made an arrangement to ensure the payment of the fees and the delivery of waste to the port or a third party at the port of:

[]

and is thus exempted, in accordance with [insert relevant provision in national legislation of the country], [from the requirements on:

- ☐ mandatory delivery of waste from ships,
- ☐ the advance waste notification, and
- ☐ the payment of the mandatory fee, at the following port(s):]

This certificate is valid until [insert date], unless the grounds for issuing the certificate are changed before that date.

Place and date

.....
Name
Title

⁽¹⁾ Delete if not appropriate.

Annex 7 Scope PRF Directive

			SSN	THETIS-EU PRF Module
Flag	Foreign			
	Flag State			
GT	<300 GT		Except if with dangerous goods	
	>= 300 GT			
Voyages	International			
	Domestic			
Ship Type	Fishing	<45 m		
		>45m		
	Warships			
	Naval Auxiliaries			
	Wooden of primitive build	<45 m		
		>45m		
	Engaged in port services			
	Governmental Non-commercial			
	Pleasure yachts	<45 m		
		>45m		
	Bunkers<1000 GT			

Note: those categories that are filled in yellow in the column 'THETIS-EU PRF Module' but not filled in blue in the column 'SSN', are still under the scope of the PRF Directive, but notifications will not be available electronically through SSN.

Draft

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