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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations give effect to Directive [2000/59/EC](#) of the European Parliament and of the Council (“the amended 2000 Directive”) on port reception facilities for ship-generated waste and cargo residues (O.J. L 332, 28.12.2000, p.81), as amended by Directive [2002/84/EC](#) of the European Parliament and of the Council (O.J. L 324, 29.11.2002, p.53), and Commission Directive [2007/71/EC](#) of 13th December 2007 (O.J. L 329, 14.12.2007, p.33), as regards the delivery of sewage to reception facilities in a United Kingdom harbour.

The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 ([S.I. 2003/1809](#)) (“the 2003 Regulations”) already give effect to the other provisions of the amended 2000 Directive.

These Regulations amend the 2003 Regulations in order to give effect to the amended 2000 Directive, as regards the delivery of sewage to reception facilities in a United Kingdom harbour. The amendments are contained in *regulation 2* of these Regulations.

The definition of “ship-generated waste” in regulation 2(1) of the 2003 Regulations is amended to include ship-generated sewage (*regulation 2(2)(b)* of these Regulations, with a definition of “sewage” inserted by *regulation 2(2)(a)*). Consequently, the duty in regulation 4 of the 2003 Regulations to ensure the provision of adequate waste reception facilities will now cover ship-generated sewage as well as other prescribed waste. Similarly, the requirement in regulation 6 of the 2003 Regulations to prepare and submit a waste management plan for approval will also now cover reception facilities for sewage.

The requirement in the 2003 Regulations for the master of a ship bound for a harbour or terminal to notify the harbour or terminal of the waste on board the ship will now cover sewage as well as other forms of waste (regulation 11 of the 2003 Regulations). The form of the notification is amended, in accordance with the amended 2000 Directive, so as to include sewage (Schedule 2 to the 2003 Regulations, as amended by *regulation 2(8)(a)* of these Regulations).

The requirement in regulation 12 of the 2003 Regulations to deliver ship-generated waste to a waste reception facility will also now apply in relation to sewage, as will regulation 13 of the 2003 Regulations containing provision in relation to charges to be made for reception facilities for ship-generated waste.

The various references in the 2003 Regulations to “member State” have been amended by these Regulations to “EEA State”. This follows Article 1 of the Decision of the EEA Joint Committee No. 77/2001 of 19 June 2001 (O.J. L238 6.9.2001, p.27) to add Directive 2000/59 (O.J. L332, 28.12.2000, p.81) to Annex XIII of the EEA Agreement. (*Regulation 2(3), (5), (7) and (8)(b)* of these Regulations.)

These Regulations clarify the scope of the direction giving powers in the 2003 Regulations, so that where the 2003 Regulations provide a power to give a direction, this includes power to vary or revoke the direction by a subsequent direction (*regulation 2(4)*).

The Regulations are made under sections 130A to 130D of the Merchant Shipping Act 1995, except in so far as they relate to three matters: the requirement to provide information to a United Kingdom harbour in advance of a ship’s arrival, the requirement on harbour authorities and terminal operators to charge for reception facilities, and the application of the Regulations to hovercraft. In these matters the power is provided by section 2(2) of the European Communities Act 1972.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

An Impact Assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Shipping Policy 2 Division, Department for Transport, 76 Marsham Street, London SW1P 4DR (telephone number 020 7944 3436).

A transposition note has been prepared and copies may be obtained from the Department for Transport at the address above.

The Impact Assessment and the transposition note are annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website [www.opsi.gov.uk](http://www.opsi.gov.uk).