

## **Procedures for Granting Exemptions from Mandatory Delivery of Waste from Ships in Swedish Ports**

### **1. Definitions**

<b>Scheduled traffic</b>	means that a ship must have a published or planned list of times of arrival and departure at all ports or terminals along its route
<b>Regular port calls</b>	means that a ship must make repeated journeys between those ports or terminals
<b>Frequent port calls</b>	means that a ship must visit each port on the sailing list at least once a fortnight

### **2. Types of exemptions**

- 2.1 A ship may apply for an exemption from
- mandatory delivery of ship-generated waste, and
  - advance notification of the exempt waste.
- 2.2 A port where a ship is exempted from delivery of waste may exempt the ship from paying the waste charge as required by the “no-special fee” system.

### **3. Criteria for exemption**

- 3.1 To be exempted a ships shall
- be engaged in scheduled traffic with regular and frequent port calls and give evidence of this,
  - give evidence of arrangements ensuring the delivery of ship-generated waste to a port reception facility or a waste contractor and payment of charges to the port or to the contractor, and
  - have sufficient dedicated storage capacity for all ship-generated waste that will be accumulated until the port of delivery.

Evidence of arrangements regarding delivery of ship-generated waste may be in the form of a contract with the port or a waste contractor to which the waste is to be delivered.

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**4. Application for exemption from mandatory delivery of waste**

4.1 Application shall be submitted to the Swedish Maritime Administration and consist of

- a) a completed exemption application form,
- b) a description of means of retention of waste on board including their capacity,
- c) evidence of scheduled, regular and frequent traffic listing all ports of call including times of arrival and departure in these ports,
- d) evidence of arrangements regarding delivery of ship-generated waste, and
- e) a copy of a contract with the port reception facility or the waste contractor to which the waste is to be delivered.

4.2 All documents submitted shall be either in the Swedish or English language or a duly authorized translation shall be submitted.

**5. Granting an exemption**

5.1 If satisfied that the ship fulfils the criteria for exemption (see item 3 above) the Swedish Maritime Administration will issue a Certificate on exemption from mandatory delivery and notification of ship-generated waste in the Swedish ports concerned to the ship.

5.2 If a foreign port is involved, the ship-owner or ship-operator has to apply for exemption with the Port State Authority concerned.

5.3 A ship that is granted an exemption shall carry on board the original of the Certificate on Exemption from Mandatory Delivery and Notification of Ship-generated waste.

**6. Validity**

6.1 A Certificate is valid for three years at a maximum.

6.2 An exemption becomes void if there is a change in the route of the ship, waste delivery port or waste contractor.

6.3 An exemption remains valid if the ship

- a) calls at a different port for reasons of force majeure, refuge, shelter, emergency repairs or for other safety reasons,
- b) needs to be replaced temporarily by another ship on the route due to a scheduled maintenance, breakdown or accident, and
- c) chooses to discharge waste in an exempt port and makes the prior notification to that port (see also 8.2).

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6.4 An application for exemption from mandatory delivery of waste shall be made for the ship replacing the original ship (exemption follows the ship), but the replacing ship does not need to show that the criteria set out in 3.1 a) and 3.1 b) are fulfilled.

6.5 In the case of replacement of an exempt ship, the exemption remains valid no longer than 1 month.

6.6 If the ship that originally was exempted is not back in trade within one month, the Certificate of exemption becomes void both for the original ship and the replacing ship.

6.7 The Swedish Maritime Administration shall immediately be notified in writing of any changes of the route of an exempt ship and/or arrangements for waste disposal (e.g. waste contractor, port of delivery, means of retention of ship-generated waste on board and their capacity).

6.8 The Swedish Maritime Administration shall immediately be notified in writing of the replacement of an exempt ship and reasons for that.

**7. Communication of information**

7.1 When a ship is granted an exemption in a Swedish port or terminal, the Swedish Maritime Administration will inform

- a) the ship owner or ship operator,
- b) the relevant Swedish port or terminal,
- c) the competent authority of the Port State, if the ship also calls at a foreign port,
- d) the European Commission, and
- e) the Helsinki Commission.

7.2 If the exemption has become void, the Swedish Maritime Administration communicates this information to

- a) the ship owner or ship operator,
- b) the relevant Swedish port or terminal,
- c) the competent authority of the Port State, if the ship also calls at a foreign port,
- d) the European Commission, and
- e) the Helsinki Commission.

7.3 The Swedish Maritime Administration maintains a list of granted exemptions and holds copies of issued certificates.

**8. Reception fees**

8.1 The Swedish Maritime Administration is not in the position to exempt a ship from paying a fee in a Swedish port but can relieve the port from its obligation to charge the ship a no-special fee under certain circumstances.

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8.2 If a ship that is granted an exemption from mandatory delivery of waste in a port anyhow chooses to deliver waste in that port, the port is allowed to charge the ship the real costs for the reception of the waste (direct fee).

8.3 If a ship that is granted an exemption from mandatory delivery of waste in a port along its route but not in another port, the non-exempt port is allowed to charge the ship the real costs for the reception of the waste delivered in that port (direct fee).