



Maritime and Coastguard Agency

MARINE GUIDANCE NOTE

## MGN 358 (M+F)

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### Consolidated European Reporting System (CERS)

#### Reporting requirements in respect of: -

- 1) Port Waste Infringements; and
- 2) Bulk Carrier Infringements

Notice to all Port Waste Management Plan holders and Bulk Carrier Terminal Operators/Representatives

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**PLEASE NOTE:-**

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

#### Summary

This Marine Guidance Note is issued to explain to Port Waste Management Plan holders, Bulk Carrier Terminal operators and Bulk Carrier Terminal representatives, the new reporting procedures being implemented by MCA through the European Consolidated Reporting System (CERS) as from 31 December 2007 in respect of:

- (1) Port Waste Management Plan holders reporting specified port waste infringements; and
- (2) Bulk Carrier Terminal operators/representatives reporting specified bulk carrier infringements.

These new reporting procedures replace the existing methods (i.e. telephone, fax, e-mail etc) of reporting these notifiable port waste and bulk carrier infringements to the Maritime and Coastguard Agency.

### 1. Consolidated European Reporting System

1.1 The UK Consolidated European Reporting System (CERS) is a new information management system which has been developed by the MCA to meet UK reporting obligations under the provisions and dates indicated by the European Parliament and Council Directive 2002/59/EC. These reporting obligations are based on the technical content, method and format of messages as contained within the EU SafeSeaNet system which CERS will exchange information with as from 31 December 2007.

## 2. Notification of Port Waste Infringements

2.1 The requisite requirements for reporting of port waste infringement are contained within The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 [SI 2003 No 1809].

2.2 In essence the aforementioned regulations specify that Port & Harbour Authorities and Terminal Operators (i.e. Port Waste Management Plan holders) must immediately report vessels suspected of the following port waste infringements to the Maritime and Coastguard Agency : -

(a) Failure of Master to provide Port Waste Notification information in specified timescales (Regulations 11(2) and 11(3) plus Schedule 2 of SI 2003 No 1809 refer) to the relevant Harbour Authority/Terminal Operator, prior to vessel arrival [Regulation 17 of SI 2003 No 1809 refers]

(b) Failure of Vessel to deliver waste and/or cargo residues ashore prior to departure - if vessel not exempt or if vessel does not have sufficient spare waste storage capacity on board to be able to store waste likely to be accumulated on next voyage for delivery ashore at next port [Regulations 12(1), 16(1) and Regulation 17 of SI 2003 No 1809 refer]

SHIP TYPE / SIZE	PORT WASTE NOTIFICATION PRIOR TO ARRIVAL INFRINGEMENT	FAILURE TO DELIVER WASTE/RESIDUE ASHORE PRIOR TO DEPARTURE INFRINGEMENT
<b>All sea-going UK and Non-UK ships (See exceptions immediately below)</b>	<b>Yes</b>	<b>Yes</b>
Warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service	<b>No</b>	<b>No</b>
<b>UK and Non-UK Fishing Vessels</b>	<b>No</b>	<b>Yes</b>
<b>UK and Non-UK Recreational Craft</b> authorised to carry, or designed to carry, no more than 12 passengers	<b>No</b>	<b>Yes</b>

2.3 In respect of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 [SI 2003 No 1809]: -

**"ship"** means a sea-going vessel of any type whatsoever (including hydrofoils, hovercraft, submersibles and floating craft) operating in the marine environment beyond the limits of waters of categories A and B as categorised in Merchant Shipping Notice No. MSN 1776(M)

**"recreational craft"** means a ship of any type, regardless of the means of propulsion, which is intended for sports or leisure purposes.

2.4 Port Waste Management Plan holders should be aware that exemptions from the above requirements may also be given to specific "ships" if: -

- (a) the ship is engaged in scheduled traffic with frequent and regular port calls; and
- (b) there is sufficient evidence of an arrangement ensuring the delivery of ship-generated port and payment of charges in a port along the ship's route.-

2.5 At the moment, the reporting of these infringements to the Maritime and Coastguard Agency is undertaken through a variety of media (i.e. telephone, fax, e-mail etc). However, it is the intention that, as from **31 December 2007**, all port waste infringements will be solely reported to MCA through CERS and be shared with other EU Member States through the SafeSeaNet system.

2.6 In addition to the above reporting requirements, Article 10 and 11 of Council Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues states that failure of a vessel to pay fees to the reception facility in respect of cargo residues shall be reported to the competent authority of the next port of call, CERS has been designed to allow Port Waste Management Plan holders to inform EU SafeSeaNet of this particular infringement. Recovery of fees in the event of non-payment by the vessel is a matter for the competent authority, which in this case will be the port or terminal operator.

2.7 Masters, ship owners and agents of vessels may also report to the MCA's Environmental Quality Branch concerning ports and terminals which fail to provide adequate waste reception facilities, using the form at Annex B of MGN 253 (M+F). However, the use of this form is not affected by the introduction of CERS, and Masters, ship owners and agents should continue to notify the Environmental Quality Branch at:

PWR Inadequacies,  
Environmental Quality Branch,  
Maritime and Coastguard Agency,  
Spring Place,  
105 Commercial Road,  
Southampton, SO15 1EG

or by fax to 02380 329204.

### **3. Notification of Bulk Carrier Infringements**

3.1 The Merchant Shipping (Safe Loading and Unloading of Bulk Carriers) Regulations 2003 [SI 2003 No 2002] implements in the United Kingdom Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 (establishing the harmonised requirements and procedures for the safe loading and unloading of bulk carriers). They also implement Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 (amending the Directives on maritime safety and the prevention of pollution from ships), in so far as that Directive relates to the 2001 Directive.

3.2 In essence the aforementioned regulations (together with the associated MCA SLU Bulk Carriers publication) specify that Bulk Carrier Terminal representative must immediately report bulk carriers suspected of the following infringements to the Maritime and Coastguard Agency : -

- (1) Deficiencies noted on board a bulk carrier which could endanger the safe loading or unloading of solid bulk cargoes [Schedule 4, Part 1, Paragraph 3 of MCA SLU Bulk Carriers publication]

(2) Damage noted on board a bulk carrier that could impair the structural capability or watertight integrity of the hull, or the ship's essential engineering systems [Schedule 6, Paragraphs 1 and 2 of MCA SLU Bulk Carriers publication]

SHIP TYPE / SIZE	BULK CARRIER SAFE LOADING OR UNLOADING INFRINGEMENT	BULK CARRIER STRUCTURAL CAPABILITY OR WATERTIGHT INTEGRITY OR ESSENTIAL ENGINEERING SYSTEM DAMAGE INFRINGEMENT
All UK and Non-UK Bulk Carriers (as defined - see below) that call at Terminals within the United Kingdom or United Kingdom waters for loading or unloading of <u>solid bulk cargoes</u>	Yes	Yes
<p><b>Note: Does not apply to Terminals</b> which only in exceptional circumstances are used for loading or unloading dry cargo in bulk into or from bulk carriers, or in cases where the loading or unloading is carried out solely with the equipment of the bulk carrier concerned.</p>		

3.3 In respect of the Merchant Shipping (Safe Loading and Unloading of Bulk Carriers) Regulations 2003 [SI 2003 No 2002]: -

**"bulk carrier"** bears the meaning given to it in Regulation IX/1.6 of the 1974 SOLAS Convention and interpreted by Resolution 6 of the 1997 SOLAS Conference, namely:

- a ship constructed with single deck, top-side tanks and hopper-side tanks in cargo spaces and intended primarily to carry dry cargo in bulk, or
- an ore carrier, meaning a sea-going single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region and intended for the carriage of ore cargoes in the centre holds only, or
- a combination carrier as defined in Regulation II-2/3.27 of the 1974 SOLAS Convention.

**"dry cargo in bulk"** or **"solid bulk cargo"** shall mean solid bulk cargo as defined in Regulation XII/1.4 of the 1974 SOLAS Convention, excluding grain.

**"grain"** includes wheat, maize (corn), oats, rye, barley, rice, pulses, seeds, and processed forms thereof whose behaviour is similar to that of grain in its natural state.

**"the MCA's SLU Bulk Carriers publication"** means the MCA publication entitled "Safe Loading and Unloading of Bulk Carriers 2003 Implementing EC Directive 2001/96/EC (establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers).

**"terminal"** means any fixed, floating or mobile facility equipped and used for the loading or unloading of dry cargo in bulk into or from bulk carriers.

**"terminal operator"** means owner of the terminal, or any organisation or person to whom the owner has transferred the responsibility for loading or unloading operations conducted at the terminal for a particular bulk carrier

**"terminal representative"** means any person appointed by the terminal operator, who has the overall responsibility for, and authority to, control the preparation, the conduct and the completion of loading or unloading operations conducted by the terminal for a particular bulk carrier.

3.4 At the moment, the reporting of these infringements to the Maritime and Coastguard Agency is undertaken through a variety of media (i.e. telephone, fax, e-mail etc). However, it is the intention that, as from **31 December 2007**, all bulk carrier infringements will be solely reported to MCA through CERS and be shared with other EU Member States through the SafeSeaNet system.

#### **4. Reporting Arrangements**

4.1 Each identified Port Waste Management Plan holder and Bulk Carrier terminal Operator/Representative will be issued by MCA with a unique 'User name' and 'Password' to access CERS through a web browser interface and report infringements.

4.2 Infringement reports received from Port Waste Management Plan holders and Bulk Carrier terminal Operator/Representative will be collated by the MCA's Aberdeen Rescue Co-ordination Centre and forwarded to the appropriate MCA Marine Office, which will send a Surveyor to inspect the vessel and take appropriate action. This may include serving a Port State Control or Preventative detention on the vessel or a Prohibition Notice to prevent loading or unloading of the vessel. In the event that the vessel has already sailed, or that a Surveyor from the Marine Office is unable to attend, the MCA will request an inspection at the vessel's next port of call if in the UK or within the Paris MoU region (this includes all EU and EEA coastal states as well as the Russian Federation and Eastern Canada). The Port/Terminal operator which raises the alert on CERS will be advised by the MCA of the outcome of any inspection, or referral to non-UK authority.

4.3 Serious breaches of the The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 or the Merchant Shipping (Safe Loading and Unloading of Bulk Carriers) Regulations 2003 will be investigated by the MCA Enforcement Unit and may result in the prosecution of those responsible.

4.4 For 24 hour support and advice on any issues with reporting infringements through CERS please contact: -

Aberdeen Rescue Coordination Centre  
4th Floor Marine House  
Blaikies Quay  
Aberdeen AB11 5PB  
Telephone: 01224 597987  
Fax: 01224 212862  
Email: [cers@mcga.gov.uk](mailto:cers@mcga.gov.uk)

## More Information

Inspection Branch  
Maritime and Coastguard Agency  
Bay 1/02  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

Tel : +44 (0) 23 8032 9343  
Fax : +44 (0) 23 8032 9104  
e-mail: PSC\_Headquarters@mcga.gov.uk

General Inquiries: 24 Hour Infoline  
[infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)  
0870 600 6505

MCA Website Address: [www.mcga.gov.uk](http://www.mcga.gov.uk)

File Ref: MS 103/012/0251

Published: December 2007  
Please note that all addresses and  
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An executive agency of the  
Department for  
**Transport**