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**COMMISSION STAFF WORKING DOCUMENT**

**Union submission to the International Maritime Organization's 6th Expert Group on Data Harmonization suggesting an IMO data set related to "Waste delivery receipt"**

## **Union submission to the International Maritime Organization's 6<sup>th</sup> Expert Group on Data Harmonization suggesting an IMO data set related to "Waste delivery receipt"**

### **PURPOSE**

This Staff Working Document contains a draft Union submission to the International Maritime Organization's (IMO) 6<sup>th</sup> Expert Group on Data Harmonization (EGDH 6). The IMO has indicatively scheduled EGDH 6 from 16 to 20 May 2022.

The draft submission suggests including a data set related to Waste delivery receipt in the IMO Reference Data Model. It includes suggestions on a sequence diagram, which aims to provide clarity of the flow of data related to waste delivery receipt and on the detailed data set on "Waste delivery receipt". In addition, it suggests two solutions to identify the amount of "passively fished waste".

### **EU COMPETENCE**

The Waste delivery receipt is regulated in EU law in Directive (EU) 2019/883 on port reception facilities for the delivery of waste from ships<sup>1</sup>. Article 7 of this Directive requires that, upon delivery, the port reception facility operator or the authority of the port where the waste was delivered shall truly and accurately complete the form for the 'waste delivery receipt' set out in Annex 3 of this Directive and issue and provide, without undue delay, the waste delivery receipt to the master of the ship. The monitoring of data methodologies and the format for reporting passively fished waste are laid down in Commission Implementing Regulation (EU) 2022/92<sup>2</sup>.

In addition, Regulation (EU) 2019/1239 establishing a European Maritime Single Window environment<sup>3</sup> requires in its Annex the notification of waste and residues as reporting obligation stemming from the Directive 2019/883. Therefore, it is appropriate to suggest that the IMO data set related to the 'waste delivery receipt' be aligned to the EMSWe data set, which is currently under preparation by the Commission.

In light of all of the above, the present draft Union submission falls under EU exclusive competence.<sup>4</sup> This Staff Working Document is presented to establish an EU position on the matter and to transmit the document to the IMO prior to the required deadline of 22 April 2022.<sup>5</sup>

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<sup>1</sup> OJ L 151, 7.6.2019, p. 116.

<sup>2</sup> OJ L 15, 24.1.2022, p. 16.

<sup>3</sup> OJ L 198, 25.7.2019, p. 64.

<sup>4</sup> An EU position under Article 218(9) TFEU is to be established in due time should the IMO Maritime Safety Committee eventually be called upon to adopt an act having legal effects as regards the subject matter of the said draft Union submission. The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*' (Case C-399/12 Germany v Council (OIV), ECLI:EU:C:2014:2258, paragraphs 61-64). The present submission, however, does not produce legal effects and thus the procedure for Article 218(9) TFEU is not applied.

<sup>5</sup> The submission of proposals or information papers to the IMO, on issues falling under external exclusive EU competence, are acts of external representation. Such submissions are to be made by an EU actor who can represent the Union externally under the Treaty, which for non-CFSP (Common Foreign and Security Policy) issues is the Commission or the EU Delegation in accordance with Article 17(1) TEU and Article 221 TFEU. IMO internal rules make such an arrangement absolutely possible as regards existing agenda and work programme items. This way of proceeding is in line with the General Arrangements for EU statements in multilateral organisations endorsed by COREPER on 24 October 2011.

**IMO DATA SET RELATED TO "IMO ENVIRONMENTAL INFORMATION (E.G. WASTE DELIVERY, INFORMATION ON BUNKER, BALLAST WATER AND EMISSIONS)"**

**IMO data set related to "Waste delivery receipt"**

**Submitted by the European Commission on behalf of the European Union**

**SUMMARY**

<i>Executive summary:</i>	This document suggests to include a data set related to Waste delivery receipt in the IMO Reference Data Model.
<i>Strategic direction, if applicable:</i>	Not applicable
<i>Output:</i>	Not applicable
<i>Action to be taken:</i>	Paragraph 6
<i>Related documents:</i>	EGDH 3/21, FAL 43/7/1, FAL43/INF.3, MEPC.1/Circ.834/Rev.1

**Background**

1 FAL 45 approved the IMO Reference Data Model as described in the revised IMO Compendium on facilitation and electronic business. (FAL.5/Circ.44).

2 Document FAL 43/7/1 suggested to amend the IMO Reference Data Model by adding the data models listed in annex to document FAL 43/INF.3 with a view to establish a more comprehensive standardized set of data elements' ID to support common e-business solution processes.

3 In the third session of the EGDH, the group agreed to allocate priority 1 to the dataset on "IMO environmental information (e.g. waste delivery, information on the bunker, ballast water and emission)" and to discuss this data set preferentially in the next session of EGDH.

4 This document suggests to include a data set related to Waste delivery receipt as described in the MEPC.1/Circ.834/Rev.1 to the IMO Reference Data Model.

**Proposal**

5 Annex 1 to this document contains a sequence diagram, which aims to provide clarity of the flow of data related to waste delivery receipt. This sequence diagram is based on the lines in bullet point 52 and the form in the appendix 3 of the MEPC.1/Circ.834/Rev.1 stating that the reception facility should generate the Waste delivery receipt. Bullet point 37 states that the master should request the Waste delivery receipt.

6 Annex 2 contains the detailed data set on "Waste delivery receipt".

7 For the identification of the waste types (data element number IMO0183), the code list provided in Annex 4 section 3 of the IMO Compendium should be used. It is worth being noted that in accordance with Directive (EU) 2019/883 on port reception facilities for the delivery of waste from ships, the European Union requires the indication of the amount of “Passively fished waste” in addition to the amounts of the types of waste indicated in the MEPC form. For identifying this additional type of waste, two solutions are suggested:

- Add a code in Annex 4 section 3 of the IMO Compendium (e.g. code 701 – “Passively fished waste”), or
- Reserve a range of codes (e.g. from 900 to 998) for local or regional specific waste types, that could be used by IMO Member States to include a code to identify passively fished waste.

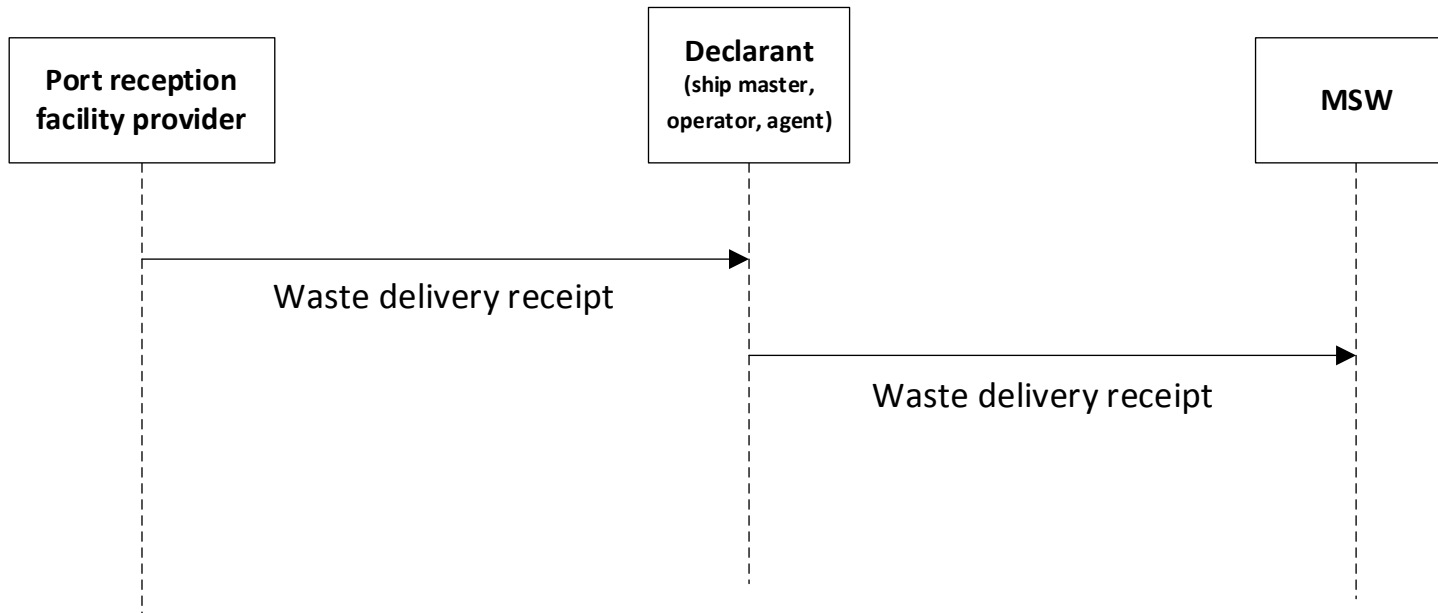
#### **Action requested of the Expert Group on Data Harmonization**

8 The Expert Group on Data Harmonization is invited to consider the information contained in this document and take action as appropriate.

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**ANNEX 1**

**SEQUENCE DIAGRAM RELATED TO WASTE DELIVERY RECEIPT**



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## ANNEX 2

### SUGGESTED DATA SET RELATED TO WASTE DELIVERY RECEIPT

Change Indicator	Data Number	Data Element	Definition	Format	Code lists	Business rules	Notes
	IMO0142	Ship name	The ship's name as shown on the IMO ship's certificates.	an..70			
	IMO0140	Ship number IMO	The unique ship identification number as shown on the ship's documents (e.g. IMO certificates)	an7			
	IMO0136	Ship call sign	A unique ship's identification used primarily for radio communications as shown on the ship's documents (e.g. IMO certificates).	an..7			
	IMO0138	Ship Flag state, coded	The code representing the nationality of the ship shown on its IMO ship's certificate.	an2	ISO 3166-1 alpha-2 code (UN/EDIFACT codes 3207)		
	IMO0160	Ship type, coded	The type of the ship shown on its IMO ship's certificate.	an..4	UN/ECE Recommendation 28		
	IMO0139	Ship gross tonnage	The gross tonnage shown on the ship's International Tonnage Certificate or other document issued by the Flag State or Recognized Organization.	n..14,3			

	IMO0031	IMO Company number	The unique company identification number shown in the Continuous Synopsis Record (CSR)	an..17			
	IMO0032	IMO Company name	The name of the Company shown in the Continuous Synopsis Record (CSR).	an..70			
	IMO0184	Port facility, coded	A code representing the port facility at the port of call (e.g. NLRM-0406)	an..35	UN/LOCODE - facility identifier (e.g. NLRM-0406)		
	IMO0144	Location in port	The name of the berth, terminal or station where the ship is located in the referenced port.	an..70			
+		Port reception facility provider	The name of the port reception facility provider	an..70			
+		Treatment facility provider	The name of the treatment facility provider, if different from the port reception facility provider	an..70			
+		Waste delivery date and time, from	Date and time when the waste delivery started	an..35		BR 01	
+		Waste delivery date and time, to	Date and time when the waste delivery was completed	an..35		BR 01	
	IMO0183	Waste type, coded	A code representing the type of waste being delivered.	an..3	Refer to code list in IMO Compendium Annex 4 section 3		

	IMO0190	Waste description	Additional description of the waste being delivered	an..256			
+		Amount of waste received	The volume of waste received (m3)	n..16,6			
	IMO0016	Authenticator name	The name of the person attesting to the validity of the transmitted information.	an..70			

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