

Non-Official Version for Reading Purposes

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Ordinance on the levying of a charge for the disposal of ship-generated waste (Ship-generated Waste Charge Ordinance)

in the version dated 1 January 2019.

The following Ordinance is made on the basis of Article 12 of the City of Hamburg Ship Waste Disposal Law of 17 December 2002 (Hamburg Law Gazette page 343), last amended on 11 October 2011 (Hamburg Law Gazette page 421):

Article 1 Basis of Assessment

- (1) The charge payable in terms of Article 7 paragraph 1 of the Law by the City of Hamburg on Ship Waste Disposal is assessed in accordance with the size of the ship in gross tonnage (GT). The GT shall be taken from the International Tonnage Certificate in conformity with the International Convention on the Tonnage Measurement of Ships of 23 June 1969 (Federal Law Gazette II 1975 page 67). If there is no International Tonnage Certificate the competent authority shall determine the GT in another suitable manner.
For tankers, the reduced tonnage (SBT – separate ballast tank) will be recognised if the tonnage certificate is presented on the day of the ship's arrival. This also applies to recognition of the reduced tonnage of open-top container ships.
- (2) The charge takes account of the oil, ship-generated sewage (grey and black water) and ship-generated types of waste as per Annexes I, IV, V (Marpol Annex V includes the categories A-C of ship generated waste) and VI to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto in the version dated 12 March 1996 (Federal Law Gazette II page 399), as currently applicable.

Article 2 Standard Disposal

- (1) Standard disposal in terms of Article 8 paragraph 1 sentence 1 of the Law by the City of Hamburg on Ship Waste Disposal consists of
 1. The collection and transport of oil up to a maximum quantity of oil, of waste produced through shipping up to a maximum quantity of ship-generated waste, and of ship-generated sewage up to a maximum quantity of ship-generated sewage,

2. The disposal of oil up to a maximum quantity of oil,
3. the disposal of waste produced through shipping up to a maximum quantity of ship-generated waste, and
4. The disposal of ship-generated sewage up to a maximum quantity of ship-generated sewage.

(2) All maximum quantities that apply to Article 1 are specified in Annex 1.

Article 3 Level of the Charge

- (1) In accordance with Annex 3 the charge is composed of an assessment factor per 100 GT for the disposal of oil and a graduated fixed amount for the disposal of ship-generated waste and sewage according to tonnage for the disposal of ship garbage. The charge includes requisite expenditure on personnel and other costs for the collection, safekeeping and disbursement of the charge. For car transporters and RoRo ships the assessment factor as per sentence 1 for the disposal of oil is reduced by one half. Ships using gas such as liquefied natural gas or methanol instead of oil as fuel and prove this by presenting the certificate prior the arrival at the port of Hamburg, don't have to pay the general tax for oil disposal.

Article 4 Expenditure to be Covered

- (1) The expense of a standard disposal to be covered out of the charge as per Article 11 sentence 2 of the Law by the City of Hamburg on Ship Waste Disposal is determined in accordance with the actual cost of the individual waste disposal measures, in particular the collection, transportation and further handling of the ship waste and sewage delivered. Also in the case of full utilisation of the limits stipulated in Article 2 paragraph 2, the expenditure to be covered out of the charge for the disposal of oil, ship-generated sewage and waste is not permitted to exceed the maximum amounts stipulated in Annex 2.
- (2) The cost of services in excess of the limits as per Article 2 paragraph 2 is not covered by the charge. The right of the parties involved in the disposal to reach agreements for additional services or special service components such as surcharges for nights, Sundays and public holidays, remains unaffected. If the transfer pumping time is more than 2 hours (without times for screwing and unscrewing the hose), pumping time surcharges can be charged.
- (3) In cases in which the unloading of ship-generated waste/cargo residues is performed by order of government authorities, the portion of the charge falling on the type of waste ordered to be unloaded will be reimbursed.

Article 5 Disbursement of the Charge

The competent authority shall reimburse the expenditure required for a standard disposal from the amount raised by the charge pursuant to Article 4 paragraph 1. Disbursement is made to the designated port waste reception facilities in accordance with Article 11 sentences 1 and 3 of the Law by the City of Hamburg on Ship Waste Disposal. The competent authority shall make designation and disbursement of the charge dependent on the port waste reception facilities giving an undertaking to it,

1. to disclose the costs of the individually carried out standard disposals of waste broken down according to services provided for delivery and transport, for further disposal and
2. to enable the disposal of waste on request for each ship putting into the Port of Hamburg.

Insofar as is necessary for guaranteeing the lawful use of the amount raised by the charge, the competent authority can require compliance by the port waste reception facilities with further stipulations.

Article 6 Notification Obligations

(1) With the arrival of the ship in the Port of Hamburg, the taxpayer should have to send for the calculation of the levy the following information in electronic form to the central reporting portal of the Federation, according to the maritime reporting portal act (SeeSchMeldPortalG) of 30 June 2017:

1. the name and address of the shipowner and, if applicable, of other persons or their representatives liable for the charge in accordance with Article 7 paragraph 2 of the Law by the City of Hamburg on Ship Waste Disposal,
2. the tonnage, in accordance with Article 1 paragraph 1,
3. the name and address of the appointed waste disposal contractor.

Those liable for the charge may transmit in electronic form the information mentioned in paragraph 1 to the national single window, pursuant to Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC.

(2) The competent authority is entitled to gather the information mentioned in paragraph 1 from the data of the central reporting portal of the Federation. Once the competent authority has received the data, the notification obligation referred to paragraph 1 is deemed to have been fulfilled for the taxpayers.

Article 7
Breach of Regulations

Anyone who, contrary to Article 6, intentionally or negligently does not give notification, whose notification is incorrect or incomplete, or who does not give timely notification is in breach of regulations within the meaning of Article 14 paragraph 1 No. 4 of the Law by the City of Hamburg on Ship Waste Disposal.

Article 8 Entry into Force

Where a charge liability has already been incurred when this Order enters into force, the prior version of this Ordinance applies.

Annex 1

Standard disposal quantities

Category	Size of ship (Article 1)	Standard disposal (Article 2 paragraph 2)			
		Max. quantity of oil (pumpable) (Pumping time for the indicated amounts: 2 hours)	Max. quantity of oil (non-pumpable)	Max. quantity of ship-generated waste	Max. quantity of ship-generated sewage
Cat. 1	up to 1500 GT	up to 4 m ³	1 m ³	6 m ³	200 m ³
Cat. 2	1501 to 3500 GT	up to 6 m ³	1 m ³	6 m ³	200 m ³
Cat. 3	3501 to 6000 GT	up to 10 m ³	1 m ³	6 m ³	200 m ³
Cat. 4	6001 to 10000 GT	up to 16 m ³	1 m ³	6 m ³	200 m ³
Cat. 5	over 10001 GT	up to 30 m ³	1 m ³	6 m ³	200 m ³

		Standard disposal	Highest expenditure to be covered	Standard disposal	Highest expenditure to be covered	Standard disposal	Highest expenditure to be covered	Standard disposal	Highest expenditure to be covered
		(Article 2 paragraph 2)	(Article 4 paragraph 1)	(Article 2 paragraph 2)	(Article 4 paragraph 1)	(Article 2 paragraph 2)	(Article 4 paragraph 1)	(Article 2 paragraph 2)	(Article 4 paragraph 1)
		max. quantity of oil	Oil disposal*	max. quantity of ship-generated waste	Disposal of ship-generated waste	max. quantity of oil	Oil disposal**	max. quantity of ship-generated sewage	Disposal of ship-generated sewage
		Pumpable	Pumpable			Non-pumpable	Non-pumpable		
Category	Size of ship (Article 1)					Regardless of ship size			
		Accounting cubic meter exactly*** to	Includes 460 Euro for arrival/departure 39 Euro / m ³	Accounting cubic meter exactly***	Includes 130 Euro for arrival/departure 50 Euro / 1 m ³		Includes 130 Euro for arrival/departure 1630 Euro / 1 m ³	Accounting cubic meter exactly***	Includes 460 Euro for arrival/departure 3 Euro / m ³
Cat. 0		1 m ³	499 Euro			up to 0.25 m ³	407,50 Euro	over 1m ³	463 Euro
Cat. 1	up to 1500 GT	4 m ³	616 Euro	minimal 0,1 m ³ maximal 6 m ³	430 Euro	0.26 m ³ to 0.50 m ³	815 Euro	up to 200 m ³	1060 Euro
Cat. 2	1501 to 3500 GT	6 m ³	694 Euro	minimal 0,3 m ³ maximal 6 m ³	430 Euro	0.51 m ³ to 0.75 m ³	1222,50 Euro		
Cat. 3	3501 to 6000 GT	10 m ³	850 Euro	minimal 0,5 m ³ maximal 6 m ³	430 Euro	0.76 m ³ to 1.00 m ³	1630 Euro		
Cat. 4	6001 to 10000 GT	16 m ³	1084 Euro	minimal 0,7 m ³ maximal 6 m ³	430 Euro				
Cat. 5	over10001 GT	30 m ³	1630 Euro	minimal 1,0 m ³ maximal 6 m ³	430 Euro				

* For the oil disposal of car transporters and RoRo ships the highest expenditure to be covered is the category that corresponds to half the ship's GT.

** Non-pumpable oils (maximal 1 m³) from the ship's own oil slick treatment activities are to be delivered to the waste disposal contractor in barrels. The waste disposal costs incurred will be reimbursed upon presentation of the relevant documentation.

*** From reaching the minimum, quantity is rounded up to full cubic meters.

Level of charge including the exempt amounts of a standard disposal in accordance with Annex 1

Category	Size of ship (Article 1)	Level of charge (Article 3)	
		Fixed amount for ship-generated waste and sewage disposal	Assessment factor for oil disposal (pumpable / non-pumpable)
Cat. 1	up to 1500 GT	70 Euro	For every 100 GT* 2 Euro Minimum total for oil disposal (pumpable / non-pumpable) is 28 Euro; maximum total for oil disposal is 770 Euro
Cat. 2	1501 to 3500 GT	70 Euro	
Cat. 3	3501 to 6000 GT	100 Euro	
Cat. 4	6001 to 10000 GT	200 Euro	
Cat. 5	over 10001 GT	200 Euro	

* The gross tonnage is rounded up to the nearest complete 100 GT from 50 GT and under 50 GT rounded down.