

Port reception facilities for ship-generated waste and cargo residues

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The Commission presented a report on the REFIT Evaluation of Directive 2000/59/EC on port reception facilities for ship generated waste and cargo residues (PRF Directive).

The Directive seeks to reduce the discharges of ship-generated waste and cargo residues into the sea, especially illegal discharges from ships using ports in the EU, by improving the availability and use of port reception facilities.

The Directive is based on the requirements contained in the International Convention for the Prevention of Pollution from Ships (the MARPOL Convention). Further to the MARPOL obligations in relation to port reception facilities, the port reception facilities Directive provides a number of additional requirements for port users and operators.

In 2014, the Commission decided to undertake a **REFIT Evaluation of the Directive**. The objective of the REFIT evaluation was to assess the implementation and effectiveness of the PRF Directive. The evaluation addressed questions on the relevance, effectiveness, efficiency, European added value and coherence of the PRF Directive.

This report presented the study's main findings in relation to those questions, followed by the Commission views, as well as the recommended next steps.

The main findings from the evaluation:

- the obligation to provide for adequate port reception facilities coupled with the provision of mandatory discharge of waste to port reception facilities are **relevant and necessary** for achieving the overall objectives of the Directive, in that they correspond to generating fewer discharges of ship-generated waste and cargo residues at sea;
- the PRF Directive has only been **partially effective** to achieve the intended goals. Despite the general improvements of port reception facilities, some issues remain problematic in the context of adequacy, in particular as regards the delivery of garbage (separation of solid waste on board versus no separate collection on land), capacity issues with regard to sewage and the reception of waste that falls under MARPOL Annex VI (residues from exhaust gas cleaning systems);
- although the benefits of the PRF Directive are apparent, i.e. all waste that is not discharged at sea can be considered a direct benefit to society, quantification of the benefit is a challenge. The difference between benefits and costs, estimated at EUR 71 million annually, is primarily based on the avoidance of garbage discharges at sea. Even though the costs associated with the implementation of the Directive are generally outweighed by the benefits generated, the **costs are not always proportionate** to what is being gained from complying with the Directive;
- although the PRF Directive offers EU added value, this has **not been fully achieved** as intended;
- the identified inconsistencies affect considerably complicate the practical implementation of the PRF Directive which is therefore only **partially coherent** with other EU legislation.

Commission point of view: the Commission has identified a **number of key problems** that will need to be addressed in order to ensure that the Directive can deliver on its main objective: reducing discharges into the sea in order to protect the marine environment. These issues broadly fall in the following three categories:

1. ***The availability of adequate port reception facilities:*** the Commission recalled that the Directive describes “adequacy” of reception facilities as being “capable of receiving the types and quantities of ship-generated waste and cargo residues from ships normally using a port”. However, there still remain questions around the exact meaning of this concept, as well as problems in terms of the reception and handling of waste.
2. ***The delivery of ship-generated waste to port reception facilities:*** there are still substantial differences between the various ports and between Member States in the interpretation and implementation of these elements of the PRF Directive, in particular the scope of the mandatory delivery principle and the inclusion of sewage, the mandatory principles in the cost recovery systems and the provisions on enforcement.
3. ***The administrative burden associated with the functioning of the Directive:*** the costs for stakeholders to comply with the PRF Directive, which are mostly linked to the costs of inspection and the advance waste notification are outweighed by the benefits. However, there is still potential for reducing the administrative burden faced by the main stakeholders, i.e. port users and port operators/authorities.

There are differences in **definitions** used in the Directive and those contained in the MARPOL Convention. This is particularly the case for the definition of "ship-generated waste" in the Directive. Different procedures are employed to evaluate **exemption requests** across the EU, which may increase the administrative burden on port users, while limiting the potential for relevant authorities in different Member States to cooperate.

Follow-up: the Commission envisages a **two-stage approach** for responding to the problems identified: (a) a short/medium term response, mainly through soft law; (b) a longer-term response, through a full legislative revision of the Directive.

1) **Short/medium term measures:** these measures include:

- **a revision of the waste notification contained in Annex II of the Directive:** to address the lack of data on the actual delivery of waste to port reception facilities, as well as the obsolete categories contained in the waste notification form, a [Commission Directive](#) was adopted to amend Annex II of the PRF Directive. The objective of this revision was to bring Annex II in line with the latest changes in Annex V of MARPOL, which introduced a new categorization of garbage, and to incorporate information on types and quantities of waste delivered. However, it should be noted that full alignment with MARPOL is only possible through a legislative revision, as this would involve changing some of the definitions in the Directive;
- **development of interpretative guidelines:** these guidelines would cover the adequacy of port reception facilities; the development and monitoring of the waste reception and handling plans; the implementation and enforcement of the mandatory delivery of ship-generated waste; as well as the application of exemptions;
- **development of the Common Information and Monitoring System:** the Commission has asked EMSA to further develop the system by building as much as possible on existing databases. This concerns a further integration of reporting into the SafeSeaNet system (SSN), as well as the development of a separate module for PRF inspections within THETIS (The Port State Control information system) and linking this module to SSN.

2) Legislative revision of the Directive: some of the shortcomings identified in the Evaluation of the Directive can only be addressed through a legislative proposal. To this end the Commission has started the process of conducting an **Impact Assessment** that will analyse and measure the different options for such a proposal.