

Port reception facilities for the delivery of waste from ships

2018/0012(COD) - 16/01/2018 - Legislative proposal

PURPOSE: to better protect the marine environment by reducing discharges from ships at sea.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council

BACKGROUND: **reducing pollution in the seas** is an important field of EU action in maritime transport. This was reiterated in the Commission [Communication](#) on the EU maritime transport policy until 2018, which calls for zero-waste from maritime traffic.

[Directive 2000/59/EC](#) regulates the shore side through provisions ensuring the availability of port reception facilities (PRF) and the delivery of waste to those facilities. It implements the relevant international norms, i.e. those contained in MARPOL (the **International Convention for the Prevention of Pollution from Ships**).

The Commission considers that 17 years after its entry into force, **the Directive requires a thorough review**. Since the adoption of the Directive in 2000, MARPOL has been strengthened by means of successive amendments so that the scope and definitions of the current Directive are no longer consistent with the international framework. In addition, Member States interpret the key concepts of the Directive differently, which creates confusion among the parties concerned (ships, ports and operators).

The Commission therefore proposes to **revise the current rules on port reception facilities** to tackle marine waste and improve the efficiency of maritime operations in ports by reducing the administrative burden.

The proposed Directive will also be instrumental in achieving the target set in the [Commission's Circular Economy Strategy](#) to **reduce by 30 % by 2020 the amount of marine litter** found on beaches and lost fishing gear found at sea.

IMPACT ASSESSMENT: the preferred option reconciles the objectives of reducing waste discharges at sea, in particular garbage discharges (marine litter), with the intended reduction of the administrative burden through further alignment with the MARPOL Convention.

The option is expected to **generate additional compliance and operational costs**, in particular from investments in waste collection in ports, the alignment of the cost recovery systems and the development of new capacity for the reception and treatment of new waste streams. However, these costs are expected to be limited.

CONTENT: the proposal for a Directive aims to **protect the marine environment against the negative effects from discharges of waste from ships** using ports located in the Union, while ensuring the smooth operation of maritime traffic, by improving the availability of adequate port reception facilities and the delivery of waste to those facilities.

The proposal repeals the current Directive (2000/59/EC) and replaces it with a single new Directive.

The proposed Directive will **align the EU regime as far as possible with MARPOL**, in particular as regards scope, definitions and forms.

Scope and definitions: the definition of ‘ship-generated waste’ shall be replaced with the more generic definition of ‘waste from ships’, defined in relation to the relevant Annexes to MARPOL. This will also include the category of ‘cargo residues’, as well as the residues from exhaust gas cleaning systems, which comprise of sludge and bleed-off water from these systems.

Port reception facilities: Member States shall ensure the availability of port reception facilities adequate to meet the need of the ships normally using the port without causing undue delay to ships. The formalities relating to the use of the facilities are simple and expeditious to avoid undue delays to ships, and the fees charged for delivery do not create a disincentive for ships to use the port reception facilities.

An appropriate **waste reception and handling plan** shall be in place and implemented for each port following ongoing consultations with the relevant parties.

Delivery of waste from ships: the master of a ship calling at a Union port shall, before leaving the port, **deliver all the waste carried on board of the ship to a port reception facility** in accordance with the relevant discharge norms laid down in the MARPOL Convention.

The costs of operating port reception facilities for the reception and treatment of waste from ships, other than cargo residues, shall be covered through the collection of a **fee** from ships.

Incentives for delivery: to ensure that the right incentives are provided for the delivery of the different types of waste to port reception facilities, a ‘no special fee’ system is proposed, in which payment of the indirect fee should give ships the right to deliver all their **garbage** on board, without having to pay any additional direct fees (based on volumes).

As fishing vessels and recreational craft will also be included in the indirect fee system, this should also address the disposal of end-of-life fishing nets and passively fished waste.

Moreover, the proposal also strengthens the ‘**green ship**’ concept so that an effective reward system can be implemented for those vessels that reduce their waste on board.

Monitoring compliance with the obligation to deposit waste: standard forms developed by the IMO for waste notification and waste receipt can also be fully incorporated into the Directive. By doing so, parallel forms and systems can be avoided as much as possible.

In addition, it is proposed to include the port reception facilities inspections in the Port State Control regime and employ the information and monitoring system, which was developed on basis of the current Directive (Directive 2009/16/EC) and which is based on electronic reporting in **SafeSeaNet and THETIS**, to facilitate monitoring and enforcement.

Exemptions: lastly, the proposal provides for an **exemption regime** for ships in scheduled and regular traffic to include the largest fishing vessels and pleasure boats, according to their length and gross tonnage, in order to guarantee the proportionality of the scheme.