

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1998/0249(COD) Procedure completed
Port reception facilities for ship-generated waste and cargo residues	
Amended by 2000/0237(COD) Repealed by 2018/0012(COD)	
Subject 3.20.03 Maritime transport: passengers and freight 3.20.09 Ports policy 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DELE EP Delegation to Conciliation Committee		02/05/2000
		V/ALE BOUWMAN Theodorus J.J.	
	Former committee responsible		
	RETT Regional Policy, Transport and Tourism		13/10/1999
		V/ALE BOUWMAN Theodorus J.J.	
	TRAN Transport and Tourism		27/10/1998
		V LAGENDIJK Joost	
	Former committee for opinion		
BUDG Budgets		The committee decided not to give an opinion.	
ENVI Environment, Public Health and Consumer Protection		The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2257	02/05/2000
	Consumers	2213	08/11/1999
	Transport, Telecommunications and Energy	2191	17/06/1999

Key events			
17/07/1998	Legislative proposal published	COM(1998)0452	Summary
14/09/1998	Committee referral announced in Parliament, 1st reading		
20/01/1999	Vote in committee, 1st reading		Summary

20/01/1999	Committee report tabled for plenary, 1st reading	A4-0023/1999	
11/02/1999	Debate in Parliament		
11/02/1999	Decision by Parliament, 1st reading	T4-0116/1999	Summary
19/04/1999	Modified legislative proposal published	COM(1999)0149	Summary
28/07/1999	Vote in committee, 1st reading		
28/07/1999	Committee report tabled for plenary confirming Parliament's position	A5-0005/1999	
16/09/1999	Decision by Parliament, 1st reading	T5-0015/1999	Summary
08/11/1999	Council position published	11195/1/1999	Summary
19/11/1999	Committee referral announced in Parliament, 2nd reading		
22/02/2000	Vote in committee, 2nd reading		Summary
22/02/2000	Committee recommendation tabled for plenary, 2nd reading	A5-0043/2000	
13/03/2000	Debate in Parliament		
14/03/2000	Decision by Parliament, 2nd reading	T5-0090/2000	Summary
02/05/2000	Parliament's amendments rejected by Council		
23/05/2000	Formal meeting of Conciliation Committee		Summary
28/06/2000	Final decision by Conciliation Committee		
18/07/2000	Joint text approved by Conciliation Committee co-chairs	3638/2000	
21/08/2000	Report tabled for plenary, 3rd reading	A5-0213/2000	
06/09/2000	Debate in Parliament		
06/09/2000	Decision by Parliament, 3rd reading	T5-0356/2000	Summary
14/09/2000	Decision by Council, 3rd reading		
27/11/2000	Final act signed		
27/11/2000	End of procedure in Parliament		
28/12/2000	Final act published in Official Journal		

Technical information

Procedure reference	1998/0249(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by 2000/0237(COD)
	Repealed by 2018/0012(COD)

Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/12753

Documentation gateway

Legislative proposal	COM(1998)0452 OJ C 271 31.08.1998, p. 0079	17/07/1998	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0023/1999 OJ C 150 28.05.1999, p. 0003	20/01/1999	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0116/1999 OJ C 150 28.05.1999, p. 0283-0436	11/02/1999	EP	Summary
Committee of the Regions: opinion	CDR0362/1998 OJ C 198 14.07.1999, p. 0027	10/03/1999	CofR	
Economic and Social Committee: opinion, report	CES0325/1999 OJ C 138 18.05.1999, p. 0012	24/03/1999	ESC	
Modified legislative proposal	COM(1999)0149 OJ C 148 28.05.1999, p. 0007	19/04/1999	EC	Summary
Reconsultation	SEC(1999)0581	28/04/1999	EC	
Committee final report tabled for plenary, 1st reading/single reading	A5-0005/1999 OJ C 054 25.02.2000, p. 0010	28/07/1999	EP	
Text adopted by Parliament confirming position adopted at 1st reading	T5-0015/1999 OJ C 054 25.02.2000, p. 0056-0079	16/09/1999	EP	Summary
Council position	11195/1/1999 OJ C 010 13.01.2000, p. 0014	08/11/1999	CSL	Summary
Commission communication on Council's position	SEC(1999)1862	12/11/1999	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0043/2000 OJ C 346 04.12.2000, p. 0005	22/02/2000	EP	
Text adopted by Parliament, 2nd reading	T5-0090/2000 OJ C 377 29.12.2000, p. 0021-0037	14/03/2000	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2000)0236	19/04/2000	EC	Summary
Joint text approved by Conciliation Committee co-chairs	3638/2000	18/07/2000	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A5-0213/2000 OJ C 135 07.05.2001, p. 0014	21/08/2000	EP	
Text adopted by Parliament, 3rd reading	T5-0356/2000 OJ C 135 07.05.2001, p. 0078-0153	06/09/2000	EP	Summary
Follow-up document	COM(2016)0168	31/03/2016	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Port reception facilities for ship-generated waste and cargo residues

OBJECTIVE: to provide further protection of the marine environment from ship-source pollution by improving the availability and use of port reception facilities for waste and cargo residues. **SUBSTANCE:** The Directive proposed by the Commission forms part of the overall Community waste policy. It imposes an obligation on all ports to provide adequate reception facilities for ship-generated waste and cargo residues. The facilities must meet the needs of the ships using them without causing undue delay. The main tool for preventing ships from discharging their ship-generated waste at sea is the principle of mandatory delivery, meaning that any master of a ship which has not delivered all ship-generated waste in the port must be able to demonstrate that non-delivery was legitimate. If this cannot be done, the ship will not be allowed to proceed to sea until delivery has taken place. This rule will apply to all ships calling at a Community port. For logistical purposes the operators of the facilities need advance notice of the use of the facilities. The proposal therefore includes a notification obligation for ships and includes a model form which specifies the information to be provided. Also, the establishment of fee systems for the charging for delivery of ship-generated waste to a port reception facility shall be based on common principles. The principles adopted exclude the 'direct' fee system in which only the users of the facilities share the costs. Ships regularly calling at ports at short intervals may be exempted from these obligations if they have arrangements which ensure that waste is delivered in one of their regular ports of call. ?

Port reception facilities for ship-generated waste and cargo residues

Although all EU member states are signatories to international agreements on prevention of pollution from ships (MARPOL Convention and the Helsinki Convention) substantial quantities of waste including oil are still being dumped at sea. A study carried out in the UK found that at least 15% of the waste washed up on the English coastline arise from shipping. The problem lies not in the absence of rules but the failure to enforce and implement existing international rules. Rapporteur LANGENDIJK therefore welcomes the Commission's proposal for a directive on port reception facilities for ship-generated waste and cargo residues from ships. The objective and purpose are, by improving the availability and use of reception facilities for ship-generated waste and cargo residues, to reduce the illicit discharge of waste and other pollutants at sea to a minimum and thus to protect the maritime environment. The rapporteur notes that in March 1998 the Baltic littoral states have adopted and amendment to Annex IV of the Helsinki Convention, setting up a 'no-special fee' system for port charges. This means that all vessels calling at ports have to pay fees to cover waste disposal regardless of whether they use the port facilities or not. This system is intended create incentives to use existing port facilities and not discharge at sea. This directive relates not to what happens at sea but to what happens in ports. The rules governing ports are still not watertight. The above mentioned MARPOL Convention does not legally oblige vessels to dispose of oily waste before leaving port. Nor are there uniform rules on waste disposal costs in European ports, which can lead to distortions of competition. The directive contains the following key points: 1. Ports must set up waste reception and handling plans and make available adequate reception facilities for ship-generated waste and cargo residues; 2. Every ship is required to deliver all ship-generated waste and cargo residues in the ports; 3. All ships pay a set fee for waste disposal, irrespective of their actual use of the facilities, either incorporated in port dues or as a separate waste fee; 4. The member states have to ensure proper monitoring of compliance with the directive by spot checks and the exchange of information between ports. The international information and monitoring system between ports will be extended. Ships which do not deliver waste in one port will be reported to their next port of call as candidates for more detailed inspection. Although the Commission's approach is departing in this case from the "polluter-pays" principle normally advocated by the rapporteur it is in full concordance with the objective of the directive which is to give no incentive for discharges at sea. The Commission proposal is based on a great number of commendable initiatives by ports and shipowners, which will increase the chances of being actually put into practice. There are however a number of points where the directive could still be improved, with a view to aligning it on the latest version of the Helsinki Convention on the protection of the marine environment in the Baltic. A number of amendments has been tabled on the fee system (the rapporteur proposes to implement the Baltic fee system), on port reception facilities (laying down minimum facilities, enforcement and monitoring (an electronic monitoring system might be based on the system used by Antwerp, Bremen, Felixstowe, Hamburg, Le Havre, Rotterdam and London called PROTECT, used to monitor vessels carrying dangerous goods), on the distinction between ship-generated waste and cargo residues, on the definition of ship-generated waste, on exemptions for certain types of ships and on environmentally friendly ships. A Commission representative told the Committee on Transport that most of these amendments could be taken on board. ?

Port reception facilities for ship-generated waste and cargo residues

In endorsing the resolution drafted by Mr. LANGENDIJK, MEPs welcomed Commission proposals to improve the availability and use of port reception facilities for ship-generated waste and cargo residues. All the committee amendments which seek to clarify the text and improve the system for enforcement were passed.?

Port reception facilities for ship-generated waste and cargo residues

The Commission's amended proposal incorporates the amendments made by the European Parliament in its first reading regarding the following: - the need for consistency with existing regional agreements, - the importance of setting Community criteria for ships producing little waste, - the need to ensure that ships which are exempted from the scope of this Directive shall act in a manner consistent, so far as is reasonable, with this Directive, - the need to include sewage, as defined in Annex IV of Marpol 73/78, in the definition of ship-generated waste at the latest one year after the entry into force of that Annex. The Commission also accepts the argument of the European Parliament that the stopping of unloading and loading procedures in some cases could constitute a disproportionately severe way of sanctioning non-complying

ships and that reference should be made to a Community based environmental management scheme instead of ISO standards. The Commission, however, did not accept amendments regarding: - the inclusion of all fishing vessels of more than 15 metres within the notification and enforcement regimes of this Directive, - the amendment leading to a 'no special fee' system for the recovery of costs for waste reception facilities, through which at least 90% of the total costs shall be charged irrespective of actual use of the facilities, - the specification of the percentage of spot checks to be carried out to 25% of all ships calling at a port each year, - the transfer of existing powers of the Commission in competition matters to the Council, - the approval and implementation of waste reception and handling plans, - a common policy for waste disposal arrangements with third country ports, - the implementation by all Member States of the Helsinki Convention and its rules on fees.?

Port reception facilities for ship-generated waste and cargo residues

The common position takes, in substance, 11 out of the 18 amendments by the European Parliament, very often in the form suggested in the Commission's amended proposal. The amendments accepted essentially concern the Helsinki Convention, environmentally-friendly ships, the evaluation of the implementation of the Directive, the ships excluded from the field of application, the approval of the waste reception plans, the fees, the inspection and the report of the application of the Waste Water Directive. The common position contains the following key elements : - each Community port shall ensure the availability of adequate waste reception facilities for ships normally calling at that port. A description of the needs and the details of the facilities shall be laid down in a waste reception and handling plan, which could take into account the regional context; - all ships calling at a Community port must deliver their ship-generated waste at that port unless they have enough dedicated storage capacity for the waste to be delivered at a subsequent port; - the cost of the port reception facilities shall be covered through the collection of fees from ships. The cost recovery system shall not encourage the discharge of waste into the sea. It shall consist of a fixed non-special fee component and, on an optional basis, a variable fee relating to the amount and type of waste actually delivered; - the Member States shall implement the Directive 24 months after its publication in the Official Journal. They shall provide a proper administrative framework for its enforcement and its monitoring.?

Port reception facilities for ship-generated waste and cargo residues

The Commission is of the opinion that the substance of the common position is acceptable, since it respects the basic principles of the original proposal and provides considerable added value by its clarifications and additional provisions. Furthermore, the substance of the amendments adopted by the European Parliament and incorporated in the Commission's amended proposal have been duly taken into account in this common position.?

Port reception facilities for ship-generated waste and cargo residues

The committee adopted the recommendation for second reading (codecision procedure) by Theo BOUWMAN (Greens/EFA, NL) approving the Council's common position subject to a number of amendments. With the recent disaster on the French coast involving the vessel ERIKA in everyone's mind, the committee welcomed the proposals to improve the availability and use of port reception facilities, with the aim of reducing the illicit discharge of waste and other pollutants to a minimum and thus protecting the marine environment. A number of amendments were adopted on the introduction of a fee system, exemptions for certain types of ships and environmentally-friendly ships. A key amendment called for the introduction of a hefty fee to be paid by all ships, whether or not they used the reception facilities. This tax would account for 90% of the real cost of waste treatment. If ships had to pay such taxes anyway, they would have no financial interest in discharging waste at sea, especially as they would have to pay a fine if caught.

Port reception facilities for ship-generated waste and cargo residues

In adopting its report, drafted by Mr. Theo Bouwman (NL, Green), the European Parliament made some amendments to the Council's Common Position. In particular, it stipulates more precisely the size of the vessel from which waste may be handled without prior notification, by reference to fishing vessels and recreational craft certified to carry no more than 12 passengers. Other amendments include: -ships producing reduced quantities of ship generated waste should be treated more favourably in the cost recovery systems -Member States may draw up a list of traditional sailing ships which may be exempted from the delivery of black and grey water on cultural or historical or technical grounds. -changes in comitology -18 months for transposition instead of 24 months.?

Port reception facilities for ship-generated waste and cargo residues

The proposal aims to ensure a major reduction in marine pollution by the provision of adequate waste reception facilities in all EU ports including recreational ports and marinas. It also provides instruments to ensure that all ships, including fishing vessels and recreational craft, visiting these ports make use of the facilities provided. The Commission is of the opinion that most of the amendments by the European Parliament can be accepted, either as such or subject to redrafting. 13 out of the 15 amendments may therefore be incorporated in the re-examined proposal of the Commission. The amendments that can be accepted such as they stand relate to: - limiting the exclusion of fishing vessels and recreational craft from the prior notification obligation; - more favourable treatment of ships which produce less waste, as regards the fee system; - the limitation of the exclusion of the fishing vessels and recreational craft is again at issue in respect of the enforcement regime of the Directive. The criterion proposed by the Parliament is certification for 12 passengers or less, which corresponds to the definition of a passenger ship according to the International Convention for Safety of Life at Sea (SOLAS); - because of the vagueness of the 'sufficient number' approach in the enforcement article in the original proposal, the Commission can accept a closer link with the port State control regime and the taking over of its quantitative inspection requirement; - co-operation in establishing criteria for 'environmentally friendly' ships; - the reduction of the time for implementation of this Directive from 24 to 18 months. In addition, the Commission has accepted five

other amendments in principle, but which need to be redrafted in order to clarify them or bring them into line with other provisions of the Directive and other related Community and international instruments. These amendments relate to: - sovereign immunity of ships; - a revision mechanism to ensure that the fee systems will not lead to undesired effects on the environment; - compensation if ships are delayed due to inadequacy of port reception facilities; - the specification of the envisage information and monitoring system; - the comitology procedure. On the other hand, the amendments not accepted by the Commission concern in particular the flexibility of the fee system.?

Port reception facilities for ship-generated waste and cargo residues

The Conciliation Committee reached agreement on a joint text for the directive on port reception facilities for ship-generated waste and cargo residues. Parliament essentially welcomed the fact that the directive aimed to achieve a major reduction in marine pollution by providing adequate waste reception facilities in all EU ports. The main point of disagreement with the Council was over the system for financing suitable port reception facilities. Parliament wanted up to 90% of the costs to be met by means of a fee levied on all ships calling at a port, irrespective of whether the ship delivered waste or not. However, the Council was against laying down percentages at this stage, arguing that the Member States themselves should be allowed to set the fixed and proportional amounts. Following conciliation the Council accepted that the amount should be "significant" and the Commission issued a declaration, to be annexed to the final act in the Official Journal, stating that this meant no less than 30%.?

Port reception facilities for ship-generated waste and cargo residues

In approving the report drafted by Mr Theodorus J.J. BOUWMAN (Green/EFA, NI), the European Parliament has adopted the legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and the Council directive on port reception facilities for ship-generated waste and cargo residues. ?

Port reception facilities for ship-generated waste and cargo residues

PURPOSE : to reduce the discharges of ship-generated waste and cargo residue into the sea, especially discharges, from ships using ports in the Community, by improving the availability and use of port reception facilities for ship-generated waste and cargo residues, thereby enhancing the protection of marine environment. **COMMUNITY MEASURE :** Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues. **CONTENT :** the main elements of the Directive are as follows: - all Member States shall ensure the availability of port reception facilities adequate to meet the needs of the ships normally using the port without causing undue delay to ships. An appropriate waste reception and handling plan shall be developed and implemented for each port which takes account account of the operational needs of the users of the port; - all ships making a delivery of ship-generated waste may proceed to the next port of call without delivering the ship-generated waste if adequate facilities are not available at the intended port of delivery; - Member States shall ensure that the costs of port reception facilities for ship-generated waste, including the treatment and disposal of waste, shall be covered through the collection of a fee from ships. The cost recovery systems for using port reception facilities shall provide no incentive for ships to discharge their waste into the sea. Fees may be reduced if the ship's environmental management, design and equipment and operation are such that the master of the ship can demonstrate that it produces reduced quantities of ship-generated waste. - Member States and the Commission shall cooperate in establishing an appropriate information and monitoring system. **ENTRY INTO FORCE :** 28.12.2000. **DEADLINE SET FOR TRANSPOSITION :** 28.12.2002.?

Port reception facilities for ship-generated waste and cargo residues

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 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.