

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2018/0012(COD) Procedure completed
Port reception facilities for the delivery of waste from ships Repealing Directive 2000/59/EC 1998/0249(COD) Amending Directive 2009/16/EC 2005/0238(COD) Amending Directive 2010/65/EU 2009/0005(COD)	
Subject 3.20.03 Maritime transport: passengers and freight 3.20.09 Ports policy 3.70.12 Waste management, domestic waste, packaging, light industrial waste	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		19/02/2018
		 MEISSNER Gesine	
		Shadow rapporteur	
		 CLUNE Deirdre	
		 GRAPINI Maria	
		 VAN DALEN Peter	
		 TAYLOR Keith	
		 D'AMATO Rosa	
		 PAKSAS Rolandas	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety (Associated committee)		07/03/2018
		 EICKHOUT Bas	
	PECH Fisheries		20/03/2018
		 MONTEIRO DE AGUIAR Cláudia	

Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3685	09/04/2019
	Transport, Telecommunications and Energy	3623	07/06/2018
European Commission	Commission DG	Commissioner	
	Mobility and Transport	BULC Violeta	
European Economic and Social Committee			
European Committee of the Regions			

Key events			
16/01/2018	Legislative proposal published	COM(2018)0033	Summary
05/02/2018	Committee referral announced in Parliament, 1st reading		
31/05/2018	Referral to associated committees announced in Parliament		
09/10/2018	Vote in committee, 1st reading		
09/10/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
15/10/2018	Committee report tabled for plenary, 1st reading	A8-0326/2018	Summary
22/10/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
24/10/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
10/01/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE632.891 GEDA/A/(2019)000162	
13/03/2019	Results of vote in Parliament		
13/03/2019	Decision by Parliament, 1st reading	T8-0192/2019	Summary
09/04/2019	Act adopted by Council after Parliament's 1st reading		
17/04/2019	Final act signed		
17/04/2019	End of procedure in Parliament		
07/06/2019	Final act published in Official Journal		

Technical information	
Procedure reference	2018/0012(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 2000/59/EC 1998/0249(COD) Amending Directive 2009/16/EC 2005/0238(COD)

	Amending Directive 2010/65/EU 2009/0005(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/12125

Documentation gateway

Legislative proposal		COM(2018)0033	16/01/2018	EC	Summary
Document attached to the procedure		SWD(2018)0021	17/01/2018	EC	
Document attached to the procedure		SWD(2018)0022	17/01/2018	EC	
Committee draft report		PE620.820	18/06/2018	EP	
Committee opinion	PECH	PE622.271	13/07/2018	EP	
Amendments tabled in committee		PE625.369	19/07/2018	EP	
Committee opinion	ENVI	PE622.225	18/09/2018	EP	
Committee of the Regions: opinion		CDR1190/2018	10/10/2018	CofR	
Committee report tabled for plenary, 1st reading/single reading		A8-0326/2018	15/10/2018	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2019)000162	19/12/2018	CSL	
Text agreed during interinstitutional negotiations		PE632.891	19/12/2018	EP	
Text adopted by Parliament, 1st reading/single reading		T8-0192/2019	13/03/2019	EP	Summary
Draft final act		00085/2018/LEX	17/04/2019	CSL	
Commission response to text adopted in plenary		SP(2019)393	30/04/2019	EC	

Additional information

Research document	Briefing
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Final act

Directive 2019/883 OJ L 151 07.06.2019, p. 0116 Summary Final legislative act with provisions for delegated acts
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Port reception facilities for the delivery of waste from ships

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 [Commissions 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.

Port reception facilities for the delivery of waste from ships

The Committee on Transport and Tourism adopted the report by Gesine MEISSNER (ALDE, DE) on the proposal for a directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU.

The Committee on the Environment, Public Health and Food Safety, exercising its prerogative as an associated committee in accordance with [Article 54 of the Rules of Procedure](#), also gave its opinion on the report.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Scope: Members propose including in the scope of the Directive waste from ship repair activities and ballast water management according to the IMO Ballast Water Management Convention entered into force on September 2017.

Definitions: Members called for a more generic definition of waste from ships, in relation to the relevant Annexes to MARPOL, including cargo residues, which is generated during the service of a ship or of a fixed or floating platform, or during loading, unloading, cleaning and ship repair operations, including sediments from cleaning or repair of ballast tanks.

Green ship: Members clarify the green ship concept to mean a ship designed, operated and ultimately recycled in an environmentally sustainable way. In general, Members stressed the need for awareness-raising activities and positive incentives in the field of producing less waste on board.

Small ports: Members expressed concern about the situation in small ports, risking to face considerable difficulties, because of limited resources available in terms of personnel, structure, organisation etc. In order not to impose a disproportionate administrative burden, very small ports should be exempted from putting up a waste management plan and issuing waste receipts.

Delivery of waste from ships: the amended text stated that the discharge of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage and incinerator ashes from plastic products, shall be prohibited, except in certain circumstances laid down in the Directive.

The master of a fishing vessel calling at a Union port shall report within 24 hours to the competent authority of its flag Member State any losses of fishing gear.

If it cannot be established that adequate facilities are available in the next port of call, or the next port of call is unknown, the Member State shall require the ship to deliver, before departure, all waste that cannot be adequately received and treated at the next port of call.

The master of a ship calling at a Union port shall, before leaving the port, apply prewash procedures for high-viscosity, persistent floating substances, including paraffin, in accordance with Annex II to the MARPOL Convention and discharge any residues or water mixtures at the port of unloading until the tank is empty and discharge pipes are free from residues.

Lost fishing gear: the master of ship calling at a port in a Member State engaged in fishing operations shall ensure that all reasonable precautions are taken to prevent the loss of fishing gear. If the lost fishing gear cannot be recovered, the ships captain shall enter information about it in the logbook. The competent authority of the flag Member State shall inform the competent authority of the coastal Member State. Information on the lost fishing gear shall be collected and recorded by the Member States and transmitted annually to the Commission.

Fishing-for-litter initiatives and beach clean-ups: Members States are called on to establish and maintain a national fund to support activities and projects for the collection of passively fished waste from fishing vessels and waste found on coastlines in the vicinity of ports and along shipping routes.

Training of personnel: port and port reception facilities authorities shall ensure that all personnel receive the necessary training to acquire the knowledge which is essential for their work on dealing with waste, with specific attention to health and safety aspects pertaining to dealing with hazardous materials, and that training requirements are regularly updated to meet the challenges of technological innovation.

Reporting and evaluation: the amended report stipulated that Members States shall, no later than 12 months after the date of adoption of this Directive and every two years thereafter, report to the Commission on their best practices regarding sustainable waste management on board ships and in their ports. Six months after each reporting deadline, the Commission shall prepare a report on these best practices to provide guidance for progressing towards the objectives of this Directive.

The Commission shall also evaluate whether the European Maritime Safety Agency (EMSA) should be granted additional competences for the enforcement of this Directive.

Port reception facilities for the delivery of waste from ships

The European Parliament adopted by 596 votes to 16 with 7 abstentions a legislative resolution on the proposal for a directive of the European Parliament and of the Council on port reception facilities for the delivery of ship-generated waste, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Subject matter

The Directive shall aim to protect the marine environment from the adverse consequences of discharges of waste from ships calling at ports located in the Union, while ensuring the flow of maritime traffic, improving the availability and use of adequate port reception facilities and the delivery of waste in such facilities.

In this context, it is stressed that the Union's maritime policy should be based on the principles of preventive action, correction of environmental damage at source as a priority, and the polluter pays.

Member States may decide to exclude the anchorage area from their ports for the purpose of applying the provisions on prior notification of waste and the deposit of ship-generated waste. Member States intending to avail themselves of the derogations should notify the Commission thereof no later than the date of transposition of the Directive.

Port reception facilities

Member States shall ensure that the fees charged for delivery do not create a disincentive for ships to use the port reception facilities and that the facilities allow ship waste to be managed in an environmentally friendly way.

Waste reception and handling plans

Member States shall ensure that an appropriate waste reception and handling plan is in place and has been implemented for each port following ongoing consultations with the relevant parties, including in particular with port users or their representatives, and, where appropriate, local competent authorities, port reception facility operators, organisations implementing extended producer responsibility obligations and representatives of civil society.

Information from the waste reception and handling plan on the availability of adequate port reception facilities in their ports and the structure of the costs shall be clearly communicated to the ship operators and made publicly available and easily accessible, in an official language of the Member State where the port is located and, where relevant, in a language that is internationally used.

Member States shall evaluate and approve the waste reception and handling plan.

Small non-commercial ports which are characterised by rare or low traffic from recreational craft only may be exempted from the obligation to draw up a waste management plan if their port reception facilities are integrated in the waste handling system managed by or on behalf of the relevant municipality and the Member States where those ports are located ensure that the information regarding the waste management system is made available to the users of those ports.

Ship waste disposal

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

A ship may proceed to the next port of call without delivering the waste, (i) if the information provided shows that there is sufficient dedicated storage capacity for all waste that has been accumulated and will be accumulated during the intended voyage of the ship until the next port of call; (ii) the information available on board ships shows that there is sufficient dedicated storage capacity for all waste that has been accumulated and will be accumulated during the intended voyage of the ship until the next port of call; or (iii) the ship only calls at anchorage for less than 24 hours or under adverse weather conditions.

Cost recovery systems

Ships shall pay an indirect fee, irrespective of delivery of waste to a port reception facility.

Under the amended text, Member States may:

- cover the costs of collecting and treating passively finished waste from revenues from alternative financing mechanisms, including waste management systems as well as EU, national or regional funding available;
- provide appropriate financial incentives for the deposit of tank wash residues containing persistent high-viscosity floating substances.

The indirect charge shall not cover residues from exhaust gas cleaning systems, for which costs are covered on the basis of the types and quantities of waste delivered.

Inspection commitments

Each Member State shall carry out inspections of ships calling at its ports, corresponding to at least 15% of the total number of individual ships calling at its ports each year. To this end, ships shall be selected on the basis of an EU risk-based targeting mechanism.

Training of personnel

Port and port reception facilities authorities shall ensure that all personnel receive the necessary training to acquire the knowledge which is essential for their work on dealing with waste, with specific attention to health and safety aspects pertaining to dealing with hazardous materials, and that training requirements are regularly updated to meet the challenges of technological innovation.

Port reception facilities for the delivery of waste from ships

PURPOSE: to update the rules on port reception facilities with a view to better protecting the marine environment by reducing discharges of waste into the sea.

LEGISLATIVE ACT: Directive (EU) 2019/883 of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC.

CONTENT: every year a substantial amount of plastic enters the seas and oceans in the Union. Although, in most sea areas, the majority of marine litter originates from land-based activities, the shipping industry, including the fishing and recreational sectors, is also an important contributor, with discharges of waste, including plastic and derelict fishing gear, going directly into the sea.

The Directive aims to protect the marine environment from the adverse consequences of discharges of waste from ships calling at ports located in the Union, while ensuring the flow of maritime traffic, improving the availability and use of adequate port reception facilities and the deposit of waste in such facilities.

The Directive also aligns EU legislation with the International Convention for the Prevention of Pollution from Ships (MARPOL), which has been amended since the adoption of the current Directive (Directive 2000/59/EC). The Convention introduced discharge standards for new categories of waste, including residues from exhaust gas purification systems, which include both sludge and runoff. These categories of waste are included in the scope of the Directive.

Provision of adequate port reception facilities

Member States shall ensure the availability of adequate port reception facilities to meet the needs of ships that normally use the port without causing undue delays to these ships. They shall ensure that the fees charged for delivery do not create a disincentive for ships to use the port reception facilities.

Waste reception and handling plans

The Directive ensures that an appropriate waste reception and handling plan is in place and has been implemented for each port following

ongoing consultations with the relevant parties, including in particular with port users or their representatives, and, where appropriate, local competent authorities, port reception facility operators, organisations implementing extended producer responsibility obligations and representatives of civil society.

Information from the waste reception and handling plan on the availability of adequate port reception facilities in their ports and the structure of the costs shall be clearly communicated to the ship operators and made publicly available and easily accessible, in an official language of the Member State where the port is located and, where relevant, in a language that is internationally used.

Member States shall evaluate and approve the waste reception and handling plan.

Small non-commercial ports which are characterised by rare or low traffic from recreational craft only may be exempted from the obligation to draw up a waste management plan if their port reception facilities are integrated in the waste handling system managed by or on behalf of the relevant municipality and the Member States where those ports are located ensure that the information regarding the waste management system is made available to the users of those ports.

Ship waste disposal

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

A ship may proceed to the next port of call without delivering the waste, (i) if the information provided shows that there is sufficient dedicated storage capacity for all waste that has been accumulated and will be accumulated during the intended voyage of the ship until the next port of call; (ii) if the ship only calls at anchorage for less than 24 hours or under adverse weather conditions.

Cost recovery systems

Ships shall pay an indirect fee, irrespective of delivery of waste to a port reception facility. That indirect fee shall be due irrespective of the delivery of waste and should give the right of delivery of the waste without any additional direct charges. The fishing and recreational sector, given their contribution to the occurrence of marine litter, shall also be subject to the indirect fee.

Cost recovery systems shall not in any way provide an incentive to dump waste at sea.

Member States may exempt a ship calling at their ports from the obligations relating to the prior notification of waste or the deposit of ship's waste if the ship operates scheduled traffic which include frequent and regular port calls and if the exemption does not have adverse consequences for maritime safety, health, living or working conditions on board or for the marine environment.

Inspection commitments

Each Member State shall carry out inspections of ships calling at its ports, corresponding to at least 15% of the total number of individual ships calling at its ports each year. To this end, ships shall be selected on the basis of an EU risk-based targeting mechanism.

Cost recovery systems

Ships shall pay an indirect fee, which will give them the right to deposit their waste in a port. They shall pay this fee, whether or not they deposit waste in a port reception facility. The fee shall also apply to fishing vessels and recreational craft. It shall be based on the principle of cost recovery. Cost recovery systems shall not in any way provide an incentive to dump waste at sea.

Member States may exempt a ship calling at their ports from the obligations relating to the prior notification of waste or the deposit of ship's waste if the ship operates regular services which include frequent and regular port calls and if the exemption does not have adverse consequences for maritime safety, health, living or working conditions on board or for the marine environment.

Inspection obligations

Each Member State shall carry out inspections of ships calling at its ports, corresponding to at least 15% of the total number of individual ships calling at its ports each year. To this end, ships shall be selected on the basis of an EU risk-based targeting mechanism. The Commission shall create, manage and update an inspection database to which all Member States will be connected.

Training of personnel

Port and port reception facilities authorities shall ensure that all personnel receive the necessary training to acquire the knowledge which is essential for their work on dealing with waste, with specific attention to health and safety aspects pertaining to dealing with hazardous materials, and that training requirements are regularly updated to meet the challenges of technological innovation.

ENTRY INTO FORCE: 27.6.2019.

TRANSPOSITION: no later than 28.6.2021.