

Port reception facilities for the delivery of waste from ships

2018/0012(COD) - 07/06/2019 - Final act

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.