

Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (Text with EEA relevance)

*Section 1*

**General provisions**

*Article 1*

**Subject matter**

This 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 and use of adequate port reception facilities and the delivery of waste to those facilities.

*Article 2*

**Definitions**

For the purpose of this Directive, the following definitions apply:

- (1) ‘ship’ means a seagoing vessel of any type operating in the marine environment, including fishing vessels, recreational craft, hydrofoil boats, air-cushion vehicles, submersibles and floating craft;
- (2) ‘MARPOL Convention’ means the International Convention for the Prevention of Pollution from Ships, in its up-to-date version;
- (3) ‘waste from ships’ means all waste, including cargo residues, which is generated during the service of a ship or during loading, unloading and cleaning operations and which falls within the scope of Annexes I, II, IV, V and VI to MARPOL Convention, as well as passively fished waste;
- (4) ‘passively fished waste’ means waste collected in nets during fishing operations;
- (5) ‘cargo residues’ means the remnants of any cargo material on board which remain on the deck or in holds or tanks following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash-water, excluding cargo dust remaining on the deck after sweeping or dust of the external surfaces of the ship;
- (6) ‘port reception facility’ means any facility which is fixed, floating or mobile and capable of providing the service of receiving the waste from ships;
- (7) ‘fishing vessel’ means any ship equipped or used commercially for catching fish or other living resources from the sea;
- (8) ‘recreational craft’ means a ship of any type, with a hull length of 2,5 metres or more, regardless of the means of propulsion, intended for sports or leisure purposes, and not engaged in trade;

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- (9) ‘port’ means a place or a geographical area made up of such improvement works and equipment designed principally to permit the reception of ships, including the anchorage area within the jurisdiction of the port;
- (10) ‘sufficient storage capacity’ means enough capacity to store the waste on board from the moment of departure until the next port of call, including the waste that is likely to be generated during the voyage;
- (11) ‘scheduled traffic’ means traffic based on a published or planned list of times of departures and arrivals between identified ports or recurrent crossings that constitute a recognised schedule;
- (12) ‘regular port calls’ means repeated voyages of the same ship forming a constant pattern between identified ports or a series of voyages from and to the same port without intermediate calls;
- (13) ‘frequent port calls’ means visits by a ship to the same port taking place at least once a fortnight;
- (14) ‘GISIS’ means the Global Integrated Shipping Information System set up by the IMO;
- (15) ‘treatment’ means recovery or disposal operations, including preparation prior to recovery or disposal;
- (16) ‘indirect fee’ means a fee paid for the provision of port reception facility services, irrespective of the actual delivery of waste from ships.

‘Waste from ships’ referred to in point (3) shall be considered to be waste within the meaning of point 1 of Article 3 of Directive 2008/98/EC.

### *Article 3*

#### **Scope**

- 1 This Directive applies to:
  - a all ships, irrespective of their flag, calling at, or operating within, a port of a Member State, with the exception of ships engaged in port services within the meaning of Article 1(2) of Regulation (EU) 2017/352, and with the exception of any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on a government non-commercial basis;
  - b all ports of the Member States normally visited by ships falling within the scope of point (a).

For the purpose of this Directive, and to avoid undue delay to ships, Member States may decide to exclude the anchorage area from their ports for the purposes of the application of Article s 6, 7 and 8.

2 Member States shall take measures to ensure that, where reasonably possible, ships which do not fall within the scope of this Directive deliver their waste in a manner consistent with this Directive.

3 Member States which have neither ports nor ships flying their flag that fall within the scope of this Directive may, with the exception of the obligation set out in the third subparagraph of this paragraph, derogate from the provisions of this Directive.

Member States which do not have ports that fall within the scope of this Directive may derogate from the provisions of this Directive which are addressed solely to ports.

Those Member States which intend to avail themselves of the derogations set out in this paragraph shall communicate to the Commission by 28 June 2021 whether the relevant conditions have been met and shall inform the Commission annually thereafter of any subsequent change. Until such Member States have transposed and implemented this Directive, they may not have any ports falling within the scope of this Directive and they may not allow ships, including craft, that fall within the scope of this Directive to fly their flag.