

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 2*

***Provision of adequate port reception facilities***

*Article 4*

**Port reception facilities**

- 1 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.
- 2 Member States shall ensure that:
  - a the port reception facilities have the capacity to receive the types and quantities of waste from ships normally using that port, taking into account:
    - (i) the operational needs of the port users;
    - (ii) the size and geographical location of that port;
    - (iii) the type of ships calling at that port; and
    - (iv) the exemptions provided for under Article 9;
  - b the formalities and practical arrangements relating to the use of the port reception facilities are simple and expeditious to avoid undue delays to ships;
  - c the fees charged for delivery do not create a disincentive for ships to use the port reception facilities; and
  - d the port reception facilities allow for the management of the waste from ships in an environmentally sound manner in accordance with Directive 2008/98/EC and other relevant Union and national waste law.

For the purposes of point (d) of the first subparagraph, the Member States shall ensure separate collection to facilitate reuse and recycling of waste from ships in ports as required under Union waste law, in particular Directive 2006/66/EC of the European Parliament and the Council<sup>(1)</sup>, Directive 2008/98/EC and Directive 2012/19/EU of the European Parliament and of the Council<sup>(2)</sup>. In order to facilitate this process, port reception facilities may collect the separate waste fractions in accordance with waste categories defined in the MARPOL Convention, taking into account the guidelines thereof.

Point (d) of the first subparagraph shall apply without prejudice to the more stringent requirements imposed by Regulation (EC) No 1069/2009 for the management of catering waste from international transport.

- 3 Member States, in their capacity as flag States, shall use the IMO forms and procedures to notify the IMO as well as the authorities of the port State of alleged inadequacies of port reception facilities.

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Member States, in their capacity as port States, shall investigate all reported cases of alleged inadequacies and use the IMO forms and procedures to notify the IMO and the reporting flag State of the outcome of the investigation.

4 The port authorities concerned or, failing them, the relevant authorities shall ensure that waste delivery or reception operations are carried out with sufficient safety measures to avert risks to persons and the environment at ports covered by this Directive.

5 Member States shall ensure that any party involved in the delivery or reception of waste from ships can claim compensation for damage caused by undue delay.

### *Article 5*

#### **Waste reception and handling plans**

1 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. Those consultations should be held both during the initial drafting of the waste reception and handling plan and after its adoption, in particular when significant changes have taken place, with regard to the requirements in Article s 4, 6 and 7.

The detailed requirements for the development of the waste reception and handling plan are set out in Annex 1.

2 Member States shall ensure that the following 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 is clearly communicated to the ship operators, is made publicly available and is 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:

- a location of port reception facilities applicable to each berth, and, where relevant, their opening hours;
- b list of waste from ships normally managed by the port;
- c list of contact points, the port reception facility operators and the services offered;
- d description of the procedures for delivery of the waste;
- e description of the cost recovery system, including waste management schemes and funds as referred to in Annex 4, where applicable.

The information referred to in the first subparagraph of this paragraph shall also be made available electronically and kept up-to-date in that part of the information, monitoring and enforcement system referred to in Article 13.

3 Where required for reasons of efficiency, the waste reception and handling plans may be developed jointly by two or more neighbouring ports in the same geographical region, with the appropriate involvement of each port, provided that the need for and availability of port reception facilities are specified for each port.

4 Member States shall evaluate and approve the waste reception and handling plan and ensure its re-approval at least every five years after it has been approved or re-approved, and after significant changes in the operation of the port have taken place. Those changes may include structural changes in traffic to the port, development of new infrastructure, changes in the demand and provision of port reception facilities, and new on-board treatment techniques.

Member States shall monitor the port's implementation of the waste reception and handling plan. Where, during the five-year period referred to in the first subparagraph, no significant changes have taken place, the re-approval may consist of a validation of existing plans.

5 Small non-commercial ports which are characterised by rare or low traffic from recreational craft only may be exempted from paragraphs 1 to 4 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.

The Member States where such ports are located shall notify the name and location of those ports electronically in that part of the information, monitoring and enforcement system referred to in Article 13.

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- (1) Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC ([OJ L 266, 26.9.2006, p. 1](#)).
- (2) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) ([OJ L 197, 24.7.2012, p. 38](#)).