

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 3*

**Delivery of waste from ships**

*Article 6*

**Advance waste notification**

1 The operator, agent or master of a ship which falls within the scope of Directive 2002/59/EC bound for a Union port shall complete truly and accurately the form set out in Annex 2 to this Directive ('advance waste notification') and notify all the information contained therein to the authority or body designated for this purpose by the Member State in which that port is located:

- a at least 24 hours prior to arrival, if the port of call is known;
- b as soon as the port of call is known, if this information is available less than 24 hours prior to arrival; or
- c at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours.

2 The information from the advance waste notification shall be reported electronically in that part of the information, monitoring and enforcement system referred to in Article 13 of this Directive, in accordance with Directives 2002/59/EC and 2010/65/EU.

3 The information from the advance waste notification shall be available on board, preferably in electronic form, at least until the next port of call and shall be made available upon request to the relevant Member States' authorities.

4 Member States shall ensure that the information that is notified pursuant to this Article is examined and shared with the relevant enforcement authorities without delay.

*Article 7*

**Delivery of waste from ships**

1 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.

2 Upon delivery, the port reception facility operator or the authority of the port where the waste was delivered shall truly and accurately complete the form set out in Annex 3 ('waste delivery receipt') and issue and provide, without undue delay, the waste delivery receipt to the master of the ship.

The requirements set out in the first subparagraph shall not apply in small ports with unmanned facilities or that are remotely located, provided that the Member State where such ports are located has notified the name and location of those ports electronically in

---

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

---

that part of the information, monitoring and enforcement system referred to in Article 13.

3 The operator, agent or master of a ship which falls within the scope of Directive 2002/59/EC shall before departure, or as soon as the waste delivery receipt has been received, electronically report the information contained therein in that part of the information, monitoring and enforcement system referred to in Article 13 of this Directive, in accordance with Directives 2002/59/EC and 2010/65/EU.

The information from the waste delivery receipt shall be available on board for at least two years, where relevant with the appropriate Oil Record Book, Cargo Record Book, Garbage Record Book or the Garbage Management Plan, and shall be made available upon request to the Member States' authorities.

4 Without prejudice to paragraph 1, a ship may proceed to the next port of call without delivering the waste, if:

- a the information provided in accordance with Annexes 2 and 3 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;
- b the information available on board ships falling outside the scope of Directive 2002/59/EC 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
- c the ship only calls at anchorage for less than 24 hours or under adverse weather conditions, unless such an area has been excluded in accordance with the second subparagraph of Article 3(1).

In order to ensure uniform conditions for the implementation of the exception referred to in points (a) and (b) of the first subparagraph, the Commission shall adopt implementing acts to define the methods to be used for the calculation of the sufficient dedicated storage capacity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).

5 A Member State shall require the ship to deliver, before departure, all its waste if:

- a it cannot be established, based on the available information, including information electronically available in that part of the information, monitoring and enforcement system referred to in Article 13 or in GISIS, that adequate port reception facilities are available in the next port of call; or
- b the next port of call is unknown.

6 Paragraph 4 shall apply without prejudice to more stringent requirements for ships adopted in accordance with international law.

## *Article 8*

### **Cost recovery systems**

1 Member States shall ensure that the costs of operating port reception facilities for the reception and treatment of waste from ships, other than cargo residues, are covered through the collection of a fee from ships. Those costs include the elements listed in Annex 4.

2 The cost recovery systems shall provide no incentive for ships to discharge their waste at sea. To this end, the Member States shall apply all of the following principles in the design and operation of the cost recovery systems:

- a ships shall pay an indirect fee, irrespective of delivery of waste to a port reception facility;
- b the indirect fee shall cover:
  - (i) the indirect administrative costs;
  - (ii) a significant part of the direct operational costs, as determined in Annex 4, which shall represent at least 30 % of the total direct costs for actual delivery of the waste during the previous year, with the possibility of also taking into account costs related to the traffic volume expected for the coming year;
- c in order to provide for a maximum incentive for the delivery of MARPOL Annex V waste other than cargo residues, no direct fee shall be charged for such waste, in order to ensure a right of delivery without any additional charges based on the volume of waste delivered, except where the volume of waste delivered exceeds the maximum dedicated storage capacity mentioned in the form set out in Annex 2 to this Directive; passively fished waste shall be covered by this regime, including the right of delivery;
- d in order to avoid that the costs of collection and treatment of passively fished waste are borne exclusively by port users, Member States shall cover, where appropriate, those costs from the revenues generated by alternative financing systems, including by waste management schemes and by Union, national or regional funding available;
- e in order to encourage the delivery of residues from tank washing containing high-viscosity persistent floating substances, Member States may provide for appropriate financial incentives for their delivery;
- f the indirect fee shall not include the waste from exhaust gas cleaning systems, the costs of which shall be covered on the basis of the types and quantities of waste delivered.

3 The part of the costs which is not covered by the indirect fee, if any, shall be covered on the basis of the types and quantities of waste actually delivered by the ship.

4 The fees may be differentiated on the following basis:

- a the category, type and size of the ship;
- b the provision of services to ships outside normal operating hours in the port; or
- c the hazardous nature of the waste.

5 The fees shall be reduced on the following basis:

- a the type of trade the ship is engaged in, in particular when a ship is engaged in short sea shipping trade;
- b the ship's design, equipment and operation demonstrate that the ship produces reduced quantities of waste, and manages its waste in a sustainable and environmentally sound manner.

By 28 June 2020, the Commission shall adopt implementing acts to define the criteria for determining that a ship meets the requirements stated in point (b) of the first subparagraph in relation to the ship's on-board waste management. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).

6 In order to ensure that the fees are fair, transparent, easily identifiable, non-discriminatory, and that they reflect the costs of the facilities and services made available, and, where appropriate, used, the amount of the fees and the basis on which they have been calculated shall be made available in an official language of the Member State where the port is located and, where relevant, in a language that is internationally used to the port users in the waste reception and handling plan.

---

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

---

7 Member States shall ensure that monitoring data on the volume and quantity of passively fished waste are collected, and shall report such monitoring data to the Commission. The Commission shall, on the basis of those monitoring data, publish a report by 31 December 2022 and every two years thereafter.

The Commission shall adopt implementing acts to define monitoring data methodologies and the format for reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).

### *Article 9*

#### **Exemptions**

1 Member States may exempt a ship calling at their ports from the obligations in Article 6, Article 7(1) and Article 8 ('the exemption'), where there is sufficient evidence that the following conditions are met:

- a the ship is engaged in scheduled traffic with frequent and regular port calls;
- b there is an arrangement to ensure the delivery of the waste and payment of the fees in a port along the ship's route which:
  - (i) is evidenced by a signed contract with a port or waste contractor and by waste delivery receipts;
  - (ii) has been notified to all ports on the ship's route; and
  - (iii) has been accepted by the port where the delivery and payment take place, which can be a Union port or another port in which, as established on the basis of the information reported electronically into that part of the information, monitoring and enforcement system referred to in Article 13 and in GISIS, adequate facilities are available;
- c the exemption does not pose a negative impact on maritime safety, health, shipboard living or working conditions or on the marine environment.

2 If the exemption is granted, the Member State where the port is located shall issue an exemption certificate, based on the format set out in Annex 5, confirming that the ship meets the necessary conditions and requirements for the application of the exemption and stating the duration of the exemption.

3 Member States shall report the information from the exemption certificate electronically in that part of the information, monitoring and enforcement system referred to in Article 13.

4 Member States shall ensure effective monitoring and enforcement of the arrangements for the delivery and payment in place for the exempted ships visiting their ports.

5 Notwithstanding the exemption granted, a ship shall not proceed to the next port of call if there is insufficient dedicated storage capacity for all waste that has been accumulated and that will be accumulated during the intended voyage of the ship until the next port of call.