

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 4

Enforcement

Article 10

Inspections

Member States shall ensure that any ship may be subject to inspections, including random ones, in order to verify that it complies with this Directive.

Article 11

Inspection commitments

1 Each Member State shall carry out inspections of ships calling in its ports corresponding to at least 15 % of the total number of individual ships calling in its ports annually.

The total number of individual ships calling in a Member State shall be calculated as the average number of individual ships over the previous three years, as reported through that part of the information, monitoring and enforcement system referred to in Article 13.

2 Member States shall comply with paragraph 1 of this Article by selecting ships on the basis of a Union risk-based targeting mechanism.

In order to ensure harmonisation of inspections and to provide for uniform conditions for selection of ships for inspection, the Commission shall adopt implementing acts to define the detailed elements of the Union risk-based targeting mechanism. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).

3 Member States shall establish procedures for inspections of ships that fall outside the scope of Directive 2002/59/EC in order to ensure, as far as practicable, compliance with this Directive.

When establishing those procedures, Member States may take into account the Union risk-based targeting mechanism referred to in paragraph 2.

4 If the relevant authority of the Member State is not satisfied with the results of the inspection, it shall, without prejudice to the application of the penalties referred to in Article 16, ensure that the ship does not leave port until it has delivered its waste to a port reception facility in accordance with Article 7.

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.

Article 12

Information, monitoring and enforcement system

The implementation and enforcement of this Directive shall be facilitated by the electronic reporting and exchange of information between Member States in accordance with Article s 13 and 14.

Article 13

Reporting and exchange of information

1 The reporting and exchange of information shall be based on the Union Maritime Information and Exchange System ('SafeSeaNet') referred to in Article 22a(3) of and Annex III to Directive 2002/59/EC.

2 Member States shall ensure that the following information is reported electronically and within reasonable time in accordance with Directive 2010/65/EU:

- a the information on the actual time of arrival and time of departure of every ship falling within the scope of Directive 2002/59/EC which calls at a Union port, together with an identifier of the port concerned;
- b the information from the advance waste notification, as set out in Annex 2;
- c the information from the waste delivery receipt, as set out in Annex 3;
- d the information from the exemption certificate, as set out in Annex 5.

3 Member States shall ensure that the information listed in Article 5(2) is made electronically available through SafeSeaNet.

Article 14

Recording of inspections

1 The Commission shall develop, maintain and update an inspection database to which all Member States shall be connected and which shall contain all the information required for the implementation of the inspection system provided for by this Directive ('the inspection database'). The inspection database shall be based on the inspection database referred to in Article 24 of Directive 2009/16/EC and shall have similar functionalities to that database.

2 Member States shall ensure that the information related to inspections under this Directive, including information regarding non-compliance and prohibition of departure orders issued, is transferred without delay to the inspection database, as soon as:

- a the inspection report has been completed;
- b the prohibition of departure order has been lifted; or
- c an exemption has been granted.

3 The Commission shall ensure that the inspection database makes it possible to retrieve any relevant data reported by the Member States for the purpose of monitoring the implementation of this Directive.

The Commission shall ensure that the inspection database provides information for the Union risk-based targeting mechanism referred to in Article 11(2).

The Commission shall regularly review the inspection database to monitor the implementation of this Directive and call attention to any doubts regarding comprehensive implementation with the aim of instigating corrective action.

4 Member States shall at all times have access to the information recorded in the inspection database.

Article 15

Training of personnel

Port authorities and port reception facility 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.

Article 16

Penalties

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.