

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 5

Final provisions

Article 17

Exchange of experience

The Commission shall provide for the organisation of exchanges of experience between the Member States' national authorities and experts, including those from the private sector, civil society and trade unions, on the application of this Directive in Union ports.

Article 18

Amendment procedure

1 The Commission is empowered to adopt delegated acts in accordance with Article 19 to amend the Annexes to this Directive and the references to IMO instruments in this Directive to the extent necessary to bring them into line with Union law or in order to take account of developments at international level, in particular at IMO level.

2 The Commission is also empowered to adopt delegated acts in accordance with Article 19 to amend the Annexes when this is necessary in order to improve the implementation and monitoring arrangements established by this Directive, in particular those provided for in Articles 6, 7 and 9, in order to ensure the effective notification and delivery of waste, and the proper application of exemptions.

3 In exceptional circumstances, where duly justified by an appropriate analysis by the Commission and in order to avoid a serious and unacceptable threat to the marine environment, the Commission is empowered to adopt delegated acts in accordance with Article 19 to amend this Directive to the extent necessary to avoid such a threat, in order not to apply, for the purposes of this Directive, an amendment to the MARPOL Convention.

4 The delegated acts provided for in this Article shall be adopted at least three months before the expiration of the period established internationally for the tacit acceptance of the amendment to the MARPOL Convention or the envisaged date for the entry into force of that amendment.

In the period preceding the entry into force of such delegated acts, Member States shall refrain from any initiative intended to integrate that amendment in national law or to apply the amendment to the international instrument concerned.

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 19

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 18(1), (2) and (3) shall be conferred on the Commission for a period of five years from 27 June 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 18(1), (2) and (3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 18(1), (2) and (3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 20

Committee procedure

1 The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council⁽¹⁾. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 21

Amendment to Directive 2010/65/EU

In point A of the Annex to Directive 2010/65/EU, point 4 is replaced by the following:

4. Notification of waste from ships, including residues

Articles 6, 7 and 9 of Directive (EU) 2019/883 of the European Parliament and 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 ([OJ L 151, 7.6.2019, p. 116](#)).

Article 22

Repeal

Directive 2000/59/EC is repealed.

References to the repealed Directive shall be construed as references to this Directive.

Article 23

Review

1 The Commission shall evaluate this Directive and submit the results of the evaluation to the European Parliament and the Council by 28 June 2026. The evaluation shall also include a report detailing best waste prevention and management practices on board ships.

2 In the context of Regulation (EU) 2016/1625 of the European Parliament and of the Council⁽²⁾, when the next review of the European Maritime Safety Agency (EMSA) mandate is due, the Commission shall also evaluate whether EMSA should be granted additional competences for the enforcement of this Directive.

Article 24

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 28 June 2021. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Article 25

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

***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 26

Addressees

This Directive is addressed to the Member States.

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.

- (1) Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships ([OJ L 324, 29.11.2002, p. 1](#)).
- (2) Regulation (EU) 2016/1625 of the European Parliament and of the Council of 14 September 2016 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency ([OJ L 251, 16.9.2016, p. 77](#)).