

# **BACKGROUND NOTE**

## **Consultation of stakeholders**

### **Impact Assessment**

**on**

#### **THE POSSIBLE REVISION OF DIRECTIVE 2000/59/EC ON PORT RECEPTION FACILITIES FOR SHIP-GENERATED WASTE AND CARGO RESIDUES**

##### **1. Background**

Protection of the marine environment from ship-source pollution by improving the availability and use of port reception facilities is one of the measures envisaged to implement the common transport policy of the European Union.

Discharges from shipping (all kind of ship-generated waste and cargo residues) account for about 20% of global discharges at sea. Improvement of the availability and use of reception facilities can significantly enhance the reduction of such discharges.

One of the Commission priorities is achieving zero-discharge at sea in maritime transport as specified in Communication from the Commission to the European parliament, the Council, the European Economic and Social Committee and the Committee of Regions on Strategic goals and recommended actions for the EU's maritime transport policy until 2018, COM(2009) 8 final.

Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues<sup>1</sup> (hereinafter referred to as "the Directive") transposes into EU legislation the requirements under international instruments which regulate the conditions for discharges of ships' waste and residues at sea and the obligation for ports to provide reception facilities (the International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol of 1978<sup>2</sup> herinafter referred to as "Marpol").

The Directive entered into force on 28 December 2000 and Member States had until 28 December 2002 to implement the provisions.

In addition to the international requirements, the Directive also provides for further obligations which ensure that ports will provide for adequate facilities (such as the waste reception and handling plans), ensure that all ships deliver their waste and residues in ports (through incentives based on a cost recovery system), and that the information from the ship to the ports is flowing accordingly (notification form). Last but not least the Directive also envisages a monitoring and enforcement mechanism based on inspections.

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:332:0081:0089:EN:PDF>

<sup>2</sup> [http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx)

The objective of Directive 2000/59/EC is to protect the marine environment from operational pollution by ships, regardless of their flag, by harmonizing relevant international provisions to this end. Moreover, it builds upon the obligations which all the Member States have already accepted under Marpol 73/78 regime by addressing in detail the legal, financial and practical responsibilities between the different players involved in the delivery and handling of residues in EU ports.

## 2. Challenges

In the period 2007-2011, the Commission's services with the assistance of the European Maritime Safety Agency (EMSA) carried out a broad evaluation of the implementation of the Directive and an assessment of the implementation of the waste reception and handling plans (article 5 of the Directive).

The evaluation concluded that the volume of waste delivered in ports has increased with the implementation of the Directive. Today, the facilities are generally available and accessible throughout the EU. The awareness of seafarers has improved as well as the waste management in ports leading to reduced quantities of waste being discharged at sea. The visits also demonstrated the existence of best practices applied by Member States, European ports, operators and shipping companies.

However, the evaluation also identified a range of shortcomings in the implementation of the Directive, confirming that the current system is not optimal and that not all ship-generated wastes and residues from ships calling at EU ports are actually collected.

The variety of interpretation of the provisions and obligations of the Directive, reflected by the heterogeneity of the PRF systems in the EU, emphasized the need to evaluate and review the existing provisions.

Moreover, the stakeholders concerned have repeatedly called for the provision of guidance and clarification, as well as simplification procedures in line with the work of the International Maritime Organization. The development of modern monitoring systems at EU level was another proposal made by the parties concerned.

Currently, the marine environment continues to be damaged by cargo and waste residue discharged by ships calling at EU ports. The following issues have been identified as possible drivers of the problem:

- (1) The facilities for waste disposal at EU ports and practical arrangements for accessing them are still not fully adequate or are too expensive; and/or
- (2) The incentives on ships not to discharge waste at sea (meaning perceptions of the likelihood of being caught and of the severity of any penalties) are too weak.
- (3) There are discrepancies in the administrative organisation and coordination of PRF systems in MS that affect many areas of the Directive, especially the monitoring of port authorities and other public authorities responsible for the actual operation of the system.

The conclusions drawn from the assessment of the implementation of the Directive confirmed the need to proceed with an evaluation and a possible review of its provisions.

## 3. Objectives

The Commission services have initiated a formal review of the Directive based on the work already carried out by EMSA (studies, findings and assessment of the inspections) and the regular input from the stakeholders.

An Impact Assessment has been launched that should be completed by the end of 2011 and proposals will be put forward in 2012. It is assisted for this task by an external consultant.

An essential element to the preparation of this Impact Assessment is the current consultation of stakeholders which is notably based on an on-line questionnaire.

The objectives of the current consultation can be summarized as follows:

- (1) To ascertain the main underlying causes of the current shortcomings;
- (2) To validate the objectives of the impact assessment;
- (3) To validate and refine the policy options envisaged;
- (4) To collect information and data for the purpose of the impact assessment.

Input from stakeholders will be used to confirm the correct identification of the problems, thus ensuring valid conclusions with regard to the objectives of the impact assessment. The information provided during the stakeholder consultation will also help measuring the impacts (environmental, social, economic) of the relevant policy options which will allow the EU to address the problems in the most suitable manner.