



Plenary sitting

A8-0326/2018

15.10.2018

*****I**
REPORT

on the proposal for a directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU
(COM(2018)0033 – C8-0014/2018 – 2018/0012(COD))

Committee on Transport and Tourism

Rapporteur: Gesine Meissner

Rapporteur for the opinion (*):
Bas Eickhout, Committee on the Environment, Public Health and Food Safety

(*) Associated committee – Rule 54 of the Rules of the Procedures

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▯ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU (COM(2018)0033 – C8-0014/2018 – 2018/0012(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0033),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0014/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 23 May 2018¹,
 - after consulting the European Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Fisheries (A8-0326/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 283, 10.8.2018, p. 61.

Amendment 1

Proposal for a directive

Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on port reception facilities for the delivery
of waste from ships, repealing Directive
2000/59/EC and amending Directive
2009/16/EC and Directive 2010/65/EU

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on port reception facilities for the delivery
of waste from ships, repealing Directive
2000/59/EC and amending Directive
2005/35/EC, Directive 2009/16/EC and
Directive 2010/65/EU

(Linked to the amendment of Article 20a (new) proposing to modify the definition of polluting substances in the Ship-Source Pollution Directive.)

Amendment 2

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The United Nations Sustainable Development Goal 14 calls attention to the threats of marine and nutrient pollution resource depletion and climate change, all of which are caused primarily by human actions. Those threats place further pressure on environmental systems, like biodiversity and natural infrastructure, while creating global socio-economic problems, including health, safety and financial risks. The European Union must work to protect marine species and to support the people who depend on oceans, whether it be for employment, resources or leisure.

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) In the last two decades, the MARPOL Convention and its Annexes have undergone important amendments, which put in place stricter norms and prohibitions for the discharges of waste from ships at sea.

Amendment

(4) In the last two decades, the MARPOL Convention and its Annexes have undergone important amendments, which put in place stricter norms ***for the delivery of waste***, and prohibitions for the discharges of waste from ships at sea.

Amendment 4

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) However, the Union should continue to work at International Maritime Organisation (IMO) level on discharge bans for wastewater from open loop scrubbers and certain cargo residues in order to achieve rules that are as stringent for seagoing vessels as for vessels sailing on Union inland waterways.

Amendment 5

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Member States should be encouraged to adopt discharge bans for wastewater from open loop scrubbers and certain cargo residues on their territorial waters.

Amendment 6

Proposal for a directive
Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) *The overarching objective of the Directive is to prevent discharges of ship waste into the sea. Therefore, waste from repair works and sediments from cleaning or repair of ballast tanks should not fall under the scope of the Directive, as they are always discharged on land when a ship is at berth or on dry dock. Waste from repair works and sediments from cleaning or repair of ballast tanks are regulated by the EU waste legislation and the IMO Ballast Water Management Convention respectively.*

Amendment 7

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) In spite of these regulatory developments, discharges of waste at sea still occur. This is due to a combination of factors, namely adequate port reception facilities are not always available in ports, enforcement is often insufficient and there is a lack of incentives to deliver the waste onshore.

(7) In spite of these regulatory developments, discharges of waste at sea still occur ***at huge environmental, social and economic costs***. This is due to a combination of factors, namely adequate port reception facilities are not always available in ports, enforcement is often insufficient and there is a lack of incentives to deliver the waste onshore.

Amendment 8

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) *In spite of improvements, food waste, in particular on cruise ships, can still be high. Practices for food waste management remain an area calling for*

the development of separate collection and reuse practices.

Amendment 9

Proposal for a directive Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Fisheries sector initiatives aimed at reducing fishing waste or retrieving plastic waste, including lost fishing gear, should be welcomed.

Amendment 10

Proposal for a directive Recital 8

Text proposed by the Commission

Amendment

(8) Directive 2000/59/EC has contributed to increasing volumes of waste being delivered to port reception facilities since its entry into force, and ***as such*** has been instrumental in reducing waste discharges at sea, as was revealed in the REFIT Evaluation of the Directive.

(8) ***Under the Directive 2000/59/EC, all ships calling at European ports already have to contribute to the costs of port reception facilities irrespective of actual use of facilities. As such,*** Directive 2000/59/EC has contributed to increasing volumes of waste being delivered to port reception facilities since its entry into force, and has been instrumental in reducing waste discharges at sea, as was revealed in the REFIT Evaluation of the Directive.

Amendment 11

Proposal for a directive Recital 9

Text proposed by the Commission

Amendment

(9) The REFIT Evaluation has also demonstrated that Directive 2000/59/EC has not been fully effective due to inconsistencies with the MARPOL

(9) The REFIT Evaluation has also demonstrated that Directive 2000/59/EC has not been fully effective due to inconsistencies with the MARPOL

framework. In addition, Member States have developed different interpretations of the key concepts in the Directive, such as adequacy of the facilities, advance waste notification and the mandatory delivery of waste to port reception facilities, and exemptions for ships in scheduled traffic. The evaluation called for more harmonisation of those concepts and further alignment with the MARPOL Convention in order to avoid unnecessary administrative burden on both ports and port users.

framework. In addition, Member States have developed different interpretations of the key concepts in the Directive, such as adequacy of the facilities, advance waste notification and the mandatory delivery of waste to port reception facilities, and exemptions for ships in scheduled traffic. The evaluation called for more harmonisation of those concepts and further alignment with the MARPOL Convention in order to avoid unnecessary administrative burden on both ports and port users. ***Full alignment of the delivery obligation with the discharge rules laid down in the MARPOL Convention is necessary.***

Amendment 12

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Directive 2008/98/EC lays down the main waste management principles, including the "polluter pays" principle and the waste hierarchy, which calls for the reuse and recycling of waste over other forms of waste recovery and disposal and requires the establishment of systems for the separate collection of waste. ***These*** obligations also apply to the management of waste from ships.

Amendment

(11) Directive 2008/98/EC lays down the main waste management principles, including the "polluter pays" principle and the waste hierarchy, which calls for the reuse and recycling of waste over other forms of waste recovery and disposal and requires the establishment of systems for the separate collection of waste. ***Furthermore, the extended producer responsibility concept is a guiding principle of Union waste law, on the basis of which producers are responsible for the environmental impacts of their products throughout their life-cycle. Those*** obligations also apply to the management of waste from ships.

Amendment 13

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) Separate collection of waste from ships, including derelict fishing gear, is necessary to ensure its further recovery in the downstream waste management chain. Garbage is often segregated on board of ships in accordance with international norms and standards and Union legislation should ensure that these efforts of on-board waste segregation are not undermined by a lack of arrangements for separate collection on shore.

Amendment

(12) Separate collection of waste from ships, including derelict fishing gear, is necessary to ensure its further recovery ***for reuse or recycling*** in the downstream waste management chain ***and to prevent it causing damage to marine animals and environments***. Garbage is often segregated on board of ships in accordance with international norms and standards and Union legislation should ensure that these efforts of on-board waste segregation are not undermined by a lack of arrangements for separate collection on shore. ***Member States should encourage separate collection systems that are best suited to the ports' characteristics.***

Amendment 14

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Separate collection of waste, such as food waste, lubricants and fuel oil, should be further developed with the specific purpose of enabling their reuse in accordance with circular economy principles.

Amendment 15

Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

(13) Although the majority of marine litter originates from land-based activities, the shipping industry, including the fishing and recreational sectors, is also an important contributor, with discharges of garbage, including plastic and derelict

(13) ***Every year between 150 000 to 500 000 tonnes of plastic enter the ocean only in the Union.*** Although the majority of marine litter originates from land-based activities, the shipping industry, including the fishing and recreational sectors, is also

fishing gear, going directly into the sea.

an important contributor, with discharges of garbage, including plastic and derelict fishing gear, going directly into the sea. *The Commission estimates that plastics account for more than 80 % of marine litter, and that fishing gear containing plastics accounts for 27 % of marine litter items found on European beaches, which is equivalent to 11 000 tonnes a year.*

Amendment 16

Proposal for a directive Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Directive 2008/98/EC lays down waste prevention measures that Member States should take in order to prevent waste generation. These measures should include the aim to halt the generation of marine litter to contribute towards the UN Sustainable Development Goal to prevent and significantly reduce marine pollution of all kinds.

Amendment 17

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The IMO's International Convention of 13 February 2004 for the Control and Management of Ships' Ballast Water and Sediments ('BWM Convention') entered into force on 8 September 2017. The BWM Convention obliges all ships to carry out ballast water management procedures according to IMO standards, and requires ports and terminals designated for the cleaning and repair of ballast tanks to have adequate facilities to provide for the reception of

sediments.

Amendment 18

Proposal for a directive Recital 15 b (new)

Text proposed by the Commission

Amendment

(15 b) In case Member States use EMSA's services in investigating reported cases of alleged inadequacies of port reception facilities, EMSA should keep track of those requests and provide the Commission with this data in order to assess whether additional support for EMSA is needed in the next financial envelope.

Amendment 19

Proposal for a directive Recital 17

Text proposed by the Commission

Amendment

(17) To ensure adequacy of port reception facilities, the development and re-assessment of the waste reception and handling plan is essential, based on consultation of all relevant port users. For practical and organisational reasons, neighbouring ports in the same region may want to develop a joint plan, covering the availability of port reception facilities in each of the ports covered by the plan while providing a common administrative framework.

(17) To ensure adequacy of port reception facilities, the development and re-assessment of the waste reception and handling plan is essential, based on consultation of all relevant port users. For practical and organisational reasons, neighbouring ports in the same ***geographical*** region may want to develop a joint plan, covering the availability of port reception facilities in each of the ports covered by the plan while providing a common administrative framework.

Amendment 20

Proposal for a directive Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) It can be challenging to adopt and monitor waste reception and handling plans for small ports, such as mooring areas and marinas, which receive low traffic, mostly recreational crafts, or are only in use during part of the year. The waste from those small ports is normally handled by the municipal waste management system according to the principles of Directive 2008/98/EC revised by Directive (EU) 2018/851. In order not to overburden the local authorities and facilitate the waste management in such small ports, it should be sufficient that the waste from local mooring areas and marinas is included in the municipal waste stream and managed accordingly, and that the port makes information regarding waste reception available to the users of the port.

Amendment 21

Proposal for a directive Recital 18

Text proposed by the Commission

(18) To address the problem of marine litter effectively, it is fundamental to provide the right level of incentives for the delivery of waste to port reception facilities, in particular garbage. This can be achieved through a cost recovery system, which requires the application of an indirect fee, which is due irrespective of the delivery of waste and which should give a right of delivery of the waste without any additional direct charges. ***The fishing and*** recreational sector, given ***their*** contribution to the occurrence of marine litter, should also be included in this system.

Amendment

(18) To address the problem of marine litter effectively, it is fundamental to provide the right level of incentives for the delivery of waste to port reception facilities, in particular garbage. This can be achieved through a cost recovery system, which requires the application of an indirect fee, which is due irrespective of the delivery of waste and which should give a right of delivery of the waste without any additional direct charges. ***Nonetheless, ship managers should also work toward the reduction of waste generated on board. The*** recreational sector, given ***its*** contribution to the occurrence of marine litter, should also be included in this system. ***The delivery of fished waste should not result in additional costs on fishing vessels.***

Amendment 22

Proposal for a directive Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) In certain Member States, schemes have been set up to provide financing for fishermen for the costs that they might incur as a result of delivering fishing gear waste or actively and passively fished waste ashore. Those schemes could be supported by extended producer responsibility schemes, which could complement the cost recovery systems set up in accordance with this Directive. As such, those cost recovery systems should not create a disincentive for fishing vessels and port communities to participate in existing delivery schemes for actively and passively fished waste.

Amendment 23

Proposal for a directive Recital 18 b (new)

Text proposed by the Commission

Amendment

(18 b) To promote the delivery of passively fished waste collected in nets during normal fishing operations, Member States should cover the costs associated with its collection in port reception facilities and subsequent management with revenues generated by alternative income sources.

Amendment 24

Proposal for a directive Recital 19

Text proposed by the Commission

(19) The ‘Green Ship’ concept should be further developed in relation to waste management, so that an effective reward system can be implemented for those vessels that reduce their waste on board.

Amendment

(19) The ‘Green Ship’ concept should be further developed ***and fully implemented*** in relation to waste management. ***Minimum requirements should be established at EU level, and realised in a harmonised way as much as possible***, so that an effective reward system can be implemented for those vessels that reduce their waste on board ***through environmentally sustainable waste prevention and management, in line with best practices. Member States should encourage practices beyond the required standards. In addition, reduction of waste is primarily achieved through effective on board waste segregation, in line with the IMO guidelines for MARPOL Annex V and standards developed by the International Standardization Organization. The Commission should assign a group of experts in order to establish the criteria that must be met in order for a ship to be declared a "green ship" and should also encourage the exchange of good practices on the development of bottom-up schemes.***

Amendment 25

Proposal for a directive Recital 20

Text proposed by the Commission

(20) Cargo residues remain the property of the cargo owner after unloading the cargo to the terminal, and often have an economic value. For this reason, the cargo residues should not be included in the cost recovery systems and the application of the indirect fee; the fee for the delivery of cargo residues should be paid by the user of the reception facility, as specified in the contractual arrangements between the parties involved or in other local

Amendment

(20) Cargo residues remain the property of the cargo owner after unloading the cargo to the terminal, and often have an economic value. For this reason, the cargo residues should not be included in the cost recovery systems and the application of the indirect fee; the fee for the delivery of cargo residues should be paid by the user of the reception facility, as specified in the contractual arrangements between the parties involved or in other local

arrangements.

arrangements. *With the objective to promote harmonised implementation of this Directive, technical guidance on the management of cargo residues should be developed in accordance with MARPOL Annex I and II. This should however not apply to cargo residues that are not easily recovered, like high-viscosity, persistent floating substances such as paraffin. Such substances can have low economic value and therefore run the risk of being washed out on the seas, if not appropriately washed out at port reception facilities.*

Amendment 26

Proposal for a directive Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Plastic fishing gear has a high recycling potential, in particular when designed properly. Therefore, in line with the polluter pays principle, extended producer responsibility schemes should be established to finance sound waste management of fishing gear and components and to achieve high collection rates.

Amendment 27

Proposal for a directive Recital 21 b (new)

Text proposed by the Commission

Amendment

(21b) Fishing for litter schemes should be financially supported by Member States so that waste that is already in the sea has a route to becoming recycled or discarded properly without any burden placed on fishermen.

Amendment 28

Proposal for a directive Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) In order to improve maritime safety and enhance protection of the marine environment, Directive 2005/35/EC of the European Parliament and of the Council ^{1a} should be amended to also address ship-source pollution by waste as defined in Annexes IV to VI to the MARPOL Convention in Union law and ensure that persons responsible for unlawful discharges are subject to adequate penalties.

^{1a} Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

Amendment 29

Proposal for a directive Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) The delivery obligation should be complemented with provisions that prohibit the discharge of waste in order to provide clear signals about compliance obligations, and ensure a clear basis for civil or criminal violations.

Amendment 30

Proposal for a directive Recital 24

Text proposed by the Commission

(24) Monitoring and enforcement should be facilitated through a system based on electronic reporting and exchange of information. To this end, the existing information and monitoring system set up under Directive 2000/59/EC should be further developed, and continue to be operated on basis of existing electronic data systems, in particular the Union Maritime Information and Exchange system (SafeSeaNet) and the Inspection Database (THETIS). The system should also include the information on port reception facilities available in the different ports.

Amendment

(24) Monitoring and enforcement should be facilitated through a system based on electronic reporting and exchange of information. To this end, the existing information and monitoring system set up under Directive 2000/59/EC should be further developed, and continue to be operated on basis of existing electronic data systems, in particular the Union Maritime Information and Exchange system (SafeSeaNet) and the Inspection Database (THETIS). The system should also include the information on port reception facilities available in the different ports ***and losses of fishing gear.***

Amendment 31

Proposal for a directive

Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) In line with Article 48 of Council Regulation (EC) No 1224/2009, the loss of fishing gear needs to be notified.

Amendment 32

Proposal for a directive

Recital 24 b (new)

Text proposed by the Commission

Amendment

(24 b) Directive 2010/65/EU, which is currently under revision, simplifies and harmonises administrative procedures applied to maritime transport by standardising electronic reporting of information and rationalising reporting formalities. In order to avoid unnecessary and contradictory IT developments, the new reporting formalities regarding ship-generated waste should be implemented in

Amendment 33

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) In order to take account of developments at international level, and to promote environmentally sound waste management practices on board, the power to adopt acts in accordance with article 290 TFEU should be delegated to the Commission in respect of amending this Directive to update the references to international instruments and the Annexes and to change references to international instruments, in order to prevent, if necessary, changes to those international instruments from applying for the purposes of this Directive, and to *develop* common criteria for recognising 'green ships' for the purpose of granting a reduced waste fee to those ships. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Amendment

(30) In order to take account of developments at international level, and to promote environmentally sound waste management practices on board, the power to adopt acts in accordance with article 290 TFEU should be delegated to the Commission in respect of amending this Directive to update the references to international instruments and the Annexes and to change references to international instruments, in order to prevent, if necessary, changes to those international instruments from applying for the purposes of this Directive, and to *modify, implement and further refine* common criteria for recognising 'green ships', *while taking into account existing good practices and bottom-up schemes*, for the purpose of granting a reduced waste fee to those ships. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Amendment 34

Proposal for a directive

Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) Good working conditions for port personnel working in port reception facilities are of paramount importance to creating a safe, efficient and socially accountable maritime sector, which is able to attract qualified workers and ensure a wide-level playing field across Europe. Initial and periodic training of staff is essential to ensure the quality of services and the protection of workers. Port and reception facilities authorities should ensure that all personnel receive the necessary training to acquire the knowledge which is essential for their work, with specific attention for health and safety aspects pertaining to dealing with hazardous materials, and that training requirements are regularly updated to meet the challenges of technological innovation.

Amendment 35
Proposal for a directive
Recital 32 a (new)

Text proposed by the Commission

Amendment

(32 a) The specific characteristics of the Outermost Regions, recognised in Article 349 TFEU, should be taken into consideration, giving the Member States an option to adopt specific national funding measures in those regions, so that they can ensure the adequacy and availability of port reception facilities.

Amendment 36
Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Directive aims to protect the marine environment against the negative effects from discharges of waste from ships using ports located in the Union, while ensuring

This Directive aims to protect the marine environment against the negative effects from discharges of waste from ships using ports located in the Union, while ensuring

the smooth operation of maritime traffic, by improving the availability of adequate port reception facilities and the delivery of waste to those facilities.

the smooth operation of maritime traffic, by improving the availability **and use** of adequate port reception facilities and the delivery of waste to those facilities.

Amendment 37

Proposal for a directive Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) 'fixed or floating platform': means any fixed or floating platform, including drilling rigs, floating production, storage and offloading facilities used for the offshore production and storage of oil, and floating nets used for the offshore storage of oil produced;

Amendment 38

Proposal for a directive Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) 'waste from ships' means all waste, including cargo residues, which is generated during the service of a ship or during loading, unloading and cleaning operations, **or waste that is collected in nets during fishing operations**, and falls **under** the scope of Annexes I, II, IV, V and VI to MARPOL;

(c) 'waste from ships' means all waste, including cargo residues, which is generated during the service of a ship or **of a fixed or floating platform, or** during loading, unloading, cleaning **and ship repair** operations, **including sediments from cleaning or repair of ballast tanks**, and **which** falls **within** the scope of Annexes I, II, IV, V and VI to MARPOL;

Amendment 39

Proposal for a directive Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ‘waste from fishing vessels’ means all waste which is generated during the service of a fishing vessel or during loading, unloading and cleaning operations, and falls directly and individually under the scope of Annexes I, II, IV, V and VI to MARPOL, but excluding fresh whole or non-fresh fish from fishing activities conducted during the voyage or aquaculture activities.

Amendment 40
Proposal for a directive
Article 2 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) ‘passively fished waste’ means waste unintentionally collected in nets during fishing operations;

Amendment 41
Proposal for a directive
Article 2 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) ‘waste actively collected’ means waste that is collected during non-fishing trips into waste hot-spots, based on an environmental assessment, and with the sole purpose of removing marine litter from the sea;

Amendment 42
Proposal for a directive
Article 2 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(cd) ‘fishing trip’ means any voyage of a fishing vessel during which fishing

activities are conducted, starting at the moment when the fishing vessel leaves port and ending on arrival in the port of departure or another port where unloading is carried out;

Amendment 43

Proposal for a directive

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) ‘cargo residues’ means the remnants of any cargo material on board which remain on the deck or in holds following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash-water, excluding cargo dust remaining on the deck after sweeping or dust of the external surfaces of the ship;

Amendment

(d) ‘cargo residues’ means the remnants of any cargo material on board which remain on the deck or in holds *or tanks* following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash-water, excluding cargo dust remaining on the deck after sweeping or dust of the external surfaces of the ship;

Amendment 44

Proposal for a directive

Article 2 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ‘fishing gear’ means any item or piece of equipment used in fishing and aquaculture to target or capture marine biological resources, or floating on the sea surface and deployed for the purpose of attracting and capturing marine biological resources;

Amendment 45

Proposal for a directive

Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘recreational craft’ means a ship of any type, with a hull length *of* 2.5 metres

Amendment

(g) ‘recreational craft’ means a ship of any type, with a hull length *from* 2.5

and beyond, regardless of the means of propulsion, intended for sports or leisure purposes, and not engaged in trade;

metres *to 24 meters*, regardless of the means of propulsion, intended for sports or leisure purposes, and not engaged in trade;

Amendment 46

Proposal for a directive

Article 2 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) 'green ship' means a ship designed, operated and ultimately recycled in an environmentally sustainable way, where in an integrated manner harmful operational discharges and emissions are eliminated; design, equipment, operation and procurement policies create synergies to enable reduced quantities of the type of waste to which the fee applies and manages its waste in a sustainable and environmentally sound manner;

Amendment 47

Proposal for a directive

Article 2 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) 'international voyage' means a voyage in sea areas from a port located outside the Union to a port of a Member State;

Amendment 48

Proposal for a directive

Article 2 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) 'port' means a place or a geographical area made up of such improvement works and equipment as to permit the reception of ships, including the anchorage area within the jurisdiction of

(j) 'port' means a place or a geographical area made up of such improvement works and equipment as to permit *principally* the reception of ships, including the anchorage area within the

the port;

jurisdiction of the port;

Amendment 49

Proposal for a directive

Article 2 – paragraph 1 – point k

Text proposed by the Commission

(k) ‘catering waste’ means all waste food, including used cooking oil originating in restaurants, catering facilities and kitchens’;

Amendment

(k) ‘catering waste’ means all waste food, including used cooking oil originating in restaurants, catering facilities and kitchens, ***and glass and plastics***’;

Amendment 50

Proposal for a directive

Article 2 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) ‘international catering waste’ means all waste food generated during international voyages, including used cooking oil originating in restaurants, catering facilities and kitchens, and glass and plastics’;

Amendment 51

Proposal for a directive

Article 2 – paragraph 1 – point l

Text proposed by the Commission

(l) ‘sufficient storage capacity’ means enough capacity ***to store the*** waste on board from the moment of departure until the next port of call, including the waste that is likely to be generated during the voyage;

Amendment

(l) ‘sufficient storage capacity’ means enough ***designated*** capacity ***for each type of*** waste ***to be stored*** on board, ***according to the ships certificates or garbage management plans***, from the moment of departure until the next port of call, including the waste that is likely to be generated during the voyage;

Amendment 52
Proposal for a directive
Article 2 – paragraph 1 – point m

Text proposed by the Commission

(m) ‘scheduled traffic’ means traffic based on a published or planned list of times of departures and arrivals between identified ports or recurrent crossings that constitute a recognised schedule;

Amendment

(m) ‘scheduled traffic’ means traffic based on a published or planned list of times of departures and arrivals between **two** identified ports or recurrent crossings that constitute a recognised schedule; **the ship’s schedule should be set in advance and remain stable over a period of at least 4 months;**

Amendment 53

Proposal for a directive
Article 2 – paragraph 1 – point p a (new)

Text proposed by the Commission

Amendment

(pa) ‘treatment’ means recovery or disposal operations, including preparation prior to recovery or disposal;

Amendment 54
Proposal for a directive
Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) all ships, irrespective of their flag, calling at, or operating within, a port of a Member State, with the exception of any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on a government non-commercial basis;

Amendment

(a) all ships, irrespective of their flag, calling at, or operating within, a port of a Member State, with the exception **of ships engaged in port related services within the meaning of Article 1 (2) of Regulation (EU) 2017/352**, of any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on a government non-commercial basis;

Amendment 55
Proposal for a directive
Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) all ports of the Member States normally visited by ships falling under the scope of point (a).

Amendment

(b) all ports of the Member States normally visited by ships falling under the scope of point (a). ***For the purpose of this Directive, and to avoid undue delay to ships, Member States may decide to exclude the anchorage area from their ports for the purposes of the application of Articles 6, 7 and 8.***

Amendment 56

Proposal for a directive

Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) any vessel sailing on inland waterways in the Union.

Amendment 57

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

Member States shall take measures to ensure that, where ***possible***, ships, which do not fall within the scope of this Directive, deliver their waste in a manner consistent with this Directive.

Member States shall take measures to ensure that, where ***reasonable and practicable***, ships, which do not fall within the scope of this Directive, deliver their waste in a manner consistent with this Directive.

Amendment 58

Proposal for a directive

Article 4 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) The port reception facilities allow for the management of the ship's waste in an environmentally appropriate way in

(c) The port reception facilities allow for the management of the ship's waste in an environmentally appropriate way in

accordance with the requirements of Directive 2008/98/EC and other relevant Union legislation on waste. **To this end**, the Member States shall provide for separate collection of waste from ships in ports as required in Union waste legislation, in particular Directive 2008/98/EC, Directive 2012/19/EU and Directive 2006/66/EC. Point (c) shall apply without prejudice to the more stringent requirements imposed by Regulation (EC) 1069/2009 for the management of catering waste from international transport.

accordance with the requirements of Directive 2008/98/EC and other relevant Union **and national** legislation on waste. **For the purposes of point (c)**, the Member States shall provide for separate collection **to facilitate reuse and recycling** of waste from ships in ports as required in Union waste legislation, in particular Directive 2008/98/EC, Directive 2012/19/EU and Directive 2006/66/EC. **This** point shall apply without prejudice to the more stringent requirements imposed by Regulation (EC) 1069/2009 for the management of catering waste from international transport.

Amendment 59
Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States shall investigate all reported cases of alleged inadequacies and ensure that any party involved in the delivery or reception of waste from ships can claim compensation for damage caused by undue delay.

Amendment

4. Member States, **if necessary in consultation with EMSA**, shall investigate all reported cases of alleged inadequacies and ensure that any party involved in the delivery or reception of waste from ships can claim compensation for damage caused by undue delay, **related to non-compliance with the waste reception and handling plans**.

Amendment 60

Proposal for a directive
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. 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.

Amendment 61
Proposal for a directive
Article 4 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. Given the situation in the Outermost Regions, recognised under Article 349 TFEU, Member States may adopt specific national funding measures, to ensure the adequacy and availability of port reception facilities.

Amendment 62

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. An appropriate waste reception and handling plan shall be in place and implemented for each port following ongoing consultations with the relevant parties, ***in particular*** with port users or their representatives. Those consultations should be held both during the initial drafting of the plans and after their adoption, in particular when significant changes have taken place, with regards to the requirements in Articles 4, 6, and 7. The detailed requirements for the development of such plans are set out in Annex 1.

1. An appropriate waste reception and handling plan shall be in place and implemented for each port following ongoing consultations with the relevant parties, ***including*** with port users or their representatives ***and civil society***. Those consultations should be held both during the initial drafting of the plans and after their adoption, in particular when significant changes have taken place, with regards to the requirements in Articles 4, 6, and 7. The detailed requirements for the development of such plans are set out in Annex 1.

Amendment 63
Proposal for a directive
Article 5 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall ensure that the following information from the waste reception and handling plans on the

Member States shall ensure that the following information from the waste reception and handling plans on the

availability of adequate reception facilities in their ports and the *associated* costs shall be clearly communicated to the ship operators and made publicly available *either via the website of the ports or in printed form*:

availability of adequate reception facilities in their ports and the *structure of the* costs shall be clearly communicated to the ship operators and *be* made publicly available *and easily accessible, in both English and in the official languages* of the *Member State that hosts the port*:

Amendment 64

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) location of port reception facilities applicable to each berth;

(a) location of port reception facilities applicable to each berth, *including opening hours*;

Amendment 65

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) description of the cost recovery systems; *and*

(e) description of the cost recovery systems; *including the fees and the basis on which they have been calculated; and*

Amendment 66

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. The waste reception and handling plans referred to in paragraph 1 may, where required for reasons of efficiency, be developed in conjunction by two or more neighbouring ports in the same region, with the appropriate involvement of each port, provided that the need for and availability of, reception facilities are specified for each port.

3. The waste reception and handling plans referred to in paragraph 1 may, where required for reasons of efficiency, be developed in conjunction 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, reception facilities are specified for each port.

Amendment 67

Proposal for a directive Article 5 – paragraph 4

Text proposed by the Commission

4. Member States shall evaluate and approve the waste reception and handling plan, monitor its implementation and ensure its re-approval at least every **three** years after it has been approved or re-approved, and after significant changes in the operation of the port have taken place. These changes shall include, but not be limited to, 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.

Amendment 68

Proposal for a directive Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4. Member States shall evaluate and approve the waste reception and handling plan, monitor its implementation and ensure its re-approval at least every **four** years after it has been approved or re-approved, and after significant changes in the operation of the port have taken place. These changes shall include, but not be limited to, 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.

4 a. Small non-commercial ports, which are characterised by infrequent or low traffic from recreational crafts only, may be exempted from the scope of this Article if their port reception facilities are integrated in the waste handling system managed by or on behalf of the 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 location and name of those ports electronically in the part of information, monitoring and enforcement system referred to in Article 14.

Amendment 69

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. The information referred to in paragraph 1 shall be reported electronically in the part of the information, monitoring and enforcement system, referred to in Article 14 of this Directive, in accordance with Directive 2010/65/EU and Directive 2002/59/EC.

Amendment

2. The information referred to in paragraph 1 shall be reported electronically in the part of the information, monitoring and enforcement system, referred to in Article 14 of this Directive, in accordance with Directive 2010/65/EU and Directive 2002/59/EC ***and be made available to relevant stakeholders including the operators of port reception facilities.***

Amendment 70
Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. The master of a ship calling at a Union port shall, before leaving the port, deliver all the waste carried on board of the ship to a port reception facility in accordance with the relevant discharge norms laid down in the MARPOL Convention.

Amendment

1. The master of a ship calling at a Union port shall, before leaving the port, deliver all the waste carried on board of the ship to a port reception facility, ***and after leaving the port, shall not discharge waste at sea,*** in accordance with the relevant ***delivery and*** discharge norms ***and regulations*** laid down in the MARPOL Convention.

Amendment 71

Proposal for a directive
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In accordance with the MARPOL Convention and existing Union legislation, notably Directive 2005/35/EC, discharge of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage and incinerator ashes from plastic products, is prohibited, except as follows:

(a) the discharge of plastics from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea;

(b) the accidental loss of plastics resulting from damage to a ship or its equipment, provided that all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimise the accidental loss;

(c) the accidental loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss;

(d) the discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew.

The Commission is empowered to adopt delegated acts in accordance with Article 19 to define all reasonable precautions to prevent accidental losses of fishing gear.

Amendment 72
Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Upon delivery, the waste operator or the authority of the port where the waste was delivered shall accurately complete the form in Annex 3 and issue the receipt to the ship.

Amendment

Upon delivery, the waste operator or the authority of the port where the waste was delivered shall accurately complete the form in Annex 3 and issue the **waste** receipt to the ship **without undue delay**.

Amendment 73
Proposal for a directive
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

This requirement shall not apply in small unmanned **ports or in** remotely located **ports**, provided that the Member State

Amendment

This requirement shall not apply in small **ports with** unmanned **facilities or in ports that are** remotely located, provided that the

where such a port is located has reported this information electronically in the part of the information, monitoring and enforcement system referred to in Article 14 of this Directive.

Member State where such a port is located has reported this information electronically in the part of the information, monitoring and enforcement system referred to in Article 14 of this Directive.

Amendment 74
Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. The operator, agent or master of a ship, falling within the scope of Directive 2002/59/EC, shall before departure, electronically report the information from the waste receipt in the part of the information, monitoring and enforcement system referred to in Article 14 of this Directive, in accordance with Directive 2010/65/EU and Directive 2002/59/EC.

Amendment

3. The operator, agent or master of a ship, falling within the scope of Directive 2002/59/EC, shall before departure, ***or as soon as practicable after receiving it,*** electronically report the information from the waste receipt in the part of the information, monitoring and enforcement system referred to in Article 14 of this Directive, in accordance with Directive 2010/65/EU and Directive 2002/59/EC.

Amendment 75
Proposal for a directive
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The master of a fishing vessel calling at a Union port shall report within 24 hours to the competent authority of its flag Member State any losses of fishing gear in accordance with Article 48 of Regulation (EC) No 1224/2009.

The Commission is empowered to adopt delegated acts in accordance with Article 19 to determine the format for reporting by fishing vessels.

Amendment 76
Proposal for a directive
Article 7 – paragraph 3 b (new)

3b. *If the lost fishing gear cannot be recovered, the ship's captain shall enter information about it in the logbook. The competent authority of the flag Member State shall inform the competent authority of the coastal Member State.*

Information on the lost fishing gear shall be collected and recorded by the Member States and transmitted annually to the Commission.

Amendment 77
Proposal for a directive
Article 7 – paragraph 5 – point a

Text proposed by the Commission

(a) the ship only calls at anchorage for less than 24 hours or under adverse weather conditions;

Amendment

(a) the ship only calls at anchorage for less than 24 hours, ***or while waiting to be chartered*** or under adverse weather conditions;

Amendment 78
Proposal for a directive
Article 7 – paragraph 7

Text proposed by the Commission

7. *If the next port of call is located outside the Union, or there are good reasons to believe that adequate facilities are not available in the next port of call, or this port is unknown, the Member State shall require the ship to deliver all its waste before departure.*

Amendment

7. *If, on the basis of the available information, including information electronically available in the information, monitoring and enforcement system referred to in Article 14 of this Directive or in GSIS, it cannot be established that adequate facilities are available in the next port of call, or the next port of call is unknown, the Member State shall require the ship to deliver, before departure, all waste that cannot be adequately received and treated at the next port of call.*

Amendment 79

Proposal for a directive Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a

The master of a ship calling at a Union port shall, before leaving the port, apply prewash procedures for high-viscosity, persistent floating substances, including paraffin, in accordance with Annex II to the MARPOL Convention and discharge any residues or water mixtures at the port of unloading until the tank is empty and discharge pipes are free from residues.

Amendment 80

Proposal for a directive Article 7 b (new)

Text proposed by the Commission

Amendment

Article 7b

Prevention of Lost Fishing Gear

- 1. The master of ship calling at a port in a Member State engaged in fishing operations shall ensure that all reasonable precautions are taken to prevent the loss of fishing gear.*
- 2. The Commission is empowered to adopt delegated acts in accordance with Article 19 to lay down all reasonable precautions to be taken to prevent the loss of fishing gear.*

Amendment 81

Proposal for a directive Article 7 c (new)

Article 7c

Circularity of fishing gear

The Commission shall request the European standardisation organisations to develop harmonised standards to ensure the circular design of fishing gear, in particular with respect to preparation for re-use and recyclability, without prejudice to Council Regulation (EC) No 850/98.

Amendment 82
Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

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, *shall be* covered through the collection of a fee from ships. Those costs include the elements listed in Annex 4.

Amendment

1. Member States shall ensure that the costs of operating port reception facilities for the reception and treatment of waste from ships, *including cargo residues of high-viscosity, persistent floating substances, but excluding* other cargo residues, *are* covered through the collection of a fee from ships, *respecting "the polluter pays" principle*. Those costs *shall* include the elements listed in Annex 4.

Amendment 83
Proposal for a directive
Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) the indirect fee shall cover the indirect administrative costs, as well as a significant part of the direct operational costs, as determined in Annex 4. *The significant part of the direct operational costs shall represent* at least 30 % of the total *yearly* direct costs for actual delivery of the waste;

Amendment

(b) the indirect fee shall cover the indirect administrative costs, as well as a significant part of the direct operational costs, as determined in Annex 4 *and that significant part representing* at least 30 % of the total direct costs for actual delivery of the waste *during the previous year. Costs related to expected traffic volume for the coming year can also be taken into*

account;

Amendment 84
Proposal for a directive
Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) in order to provide for a maximum incentive for the delivery of waste as defined in Annex V to the MARPOL Convention, ***including the waste that has been collected in nets during fishing operations, the indirect fee to be charged shall cover all the costs of port reception facilities*** for this waste, in order to ensure a right of delivery without any additional ***direct*** charges;

Amendment

(c) in order to provide for a maximum incentive for the delivery of waste as defined in Annex V to the MARPOL Convention, ***other than cargo residues, except cargo residues of high-viscosity, persistent floating substances, no direct fee shall*** be charged for this waste, in order to ensure a right of delivery without any additional charges ***based on volume of waste delivered, except when this volume of waste delivered exceeds the maximum dedicated storage capacity as 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; The indirect fee shall cover quantities normally delivered with respect to the category, type and size of the ship;***

Amendment 85
Proposal for a directive
Article 8 – paragraph 2 – point c a (new)

Text proposed by the Commission

(c a) in order to encourage fishing for litter schemes and to avoid the costs of collection in port reception facilities and of the subsequent treatment of fished waste being borne by port users, these costs shall be met entirely from the revenues generated by alternative financing systems, including extended producer responsibility and recycling schemes; available regional, national and European funding shall also be used to cover these costs;

Amendment

Amendment 86
Proposal for a directive
Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) **The** indirect fee shall not cover 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.

Amendment

(d) **the** indirect fee shall not cover 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.

Amendment 87
Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

3. The part of the costs which is not covered by the fee referred to in **subparagraph (b)**, if any, shall be covered on the basis of the types and quantities of waste actually delivered by the ship.

Amendment

3. The part of the costs which is not covered by the fee referred to in **point (b) of paragraph 2**, if any, shall be covered on the basis of the types and quantities of waste actually delivered by the ship.

Amendment 88

Proposal for a directive
Article 8 – paragraph 4

Text proposed by the Commission

4. The fees may be differentiated with respect to, inter alia, the category, type and size of the ship and the type of **traffic** the ship is engaged in, as well as with respect to services provided outside normal operating hours in the port.

Amendment

4. The fees may be differentiated with respect to, inter alia, the category, type and size of the ship and the type of **trade** the ship is engaged in, **the hazardous nature of the waste**, as well as with respect to services provided outside normal operating hours in the port.

Amendment 89
Proposal for a directive
Article 8 – paragraph 5

Text proposed by the Commission

5. The fees shall be reduced if the

Amendment

5. The fees shall be reduced if the

ship's design, equipment and operation are such that it can be demonstrated that the ship produces reduced quantities of waste, and manages its waste in a sustainable and environmentally sound manner. The Commission shall ***be empowered by means of*** delegated acts in accordance with Article 19, ***to define*** the criteria for determining that a ship meets the requirements stated in this paragraph in relation to the ship's on-board waste management.

ship's design, equipment, ***procurement policies*** and operation are such that it can be demonstrated that the ship produces reduced quantities of waste, and manages its waste in a sustainable and environmentally sound manner. The Commission shall ***adopt*** delegated acts in accordance with Article 19 ***to supplement this Directive by laying down*** the criteria for determining that a ship meets the requirements stated in this paragraph in relation to the ship's on-board waste management. ***This should be in line with best practice and IMO guidelines.***

Amendment 90
Proposal for a directive
Article 8 – paragraph 6

Text proposed by the Commission

6. In order to ensure that the fees are fair, transparent, 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 to the port users.

Amendment

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 English*** to the port users ***in the waste reception and handling plans***.

Amendment 91
Proposal for a directive
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Fishing-for-litter initiatives and beach clean-ups

1. Member States shall establish and maintain a national fund to support activities and projects for the collection of passively fished waste from fishing vessels and waste found on coastlines in the

vicinity of ports and along shipping routes.

2. Member States shall ensure that monitoring data on the volume, quantity, and types of passively fished waste and waste found on coastlines in the vicinity of ports and along shipping routes is collected, and shall ensure such monitoring data is transmitted to an electronic database established and maintained by the Commission.

3. Member States shall inform the Commission on the national fund established under paragraph 1 by 31 December [two years after adoption], and shall submit reports every two years thereafter on the activities and projects that received funding. These reports shall be publically available.

The Commission is empowered to adopt delegated acts in accordance with Article 19 to define monitoring data methodologies and the format for reporting.

Amendment 92

Proposal for a directive Article 9 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the exemption does not pose a negative impact on maritime safety, health, shipboard living or working conditions or on the marine environment;

Amendment 93

Proposal for a directive Article 9 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the arrangement under point (b) is evidenced by a signed contract with a port

(c) the arrangement under point (b) is evidenced by a signed contract with a port

or waste contractor, waste delivery receipts and confirmation that the arrangement has been ***accepted by*** all ports on the ship's route. The arrangement for delivery and payment of the fee shall be made in a port ***located in the Union*** in order to constitute sufficient evidence in accordance with this paragraph.

or waste contractor, waste delivery receipts and confirmation that the arrangement has been ***notified to*** all ports on the ship's route. The arrangement for delivery and payment of the fee shall be made in a port in order to constitute sufficient evidence in accordance with this paragraph ***or in another port if it can be established based on the information reported electronically into the information, monitoring and enforcement system referred to in Article 14 and in GISIS that adequate facilities are available in the port with which the arrangement under point (b) has been made.***

Amendment 94

Proposal for a directive Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Extended Producer Responsibility

Member States shall establish extended producer responsibility schemes for fishing gear and fishing gear components. In addition to the minimum requirements set out in Article 8a of Directive 2008/98/EC, the following elements shall be included in such schemes:

- (a) a modulated fee that encourages the placing on the market of fishing gear designed for reuse and recycling;***
- (b) deposit-refund systems that ensure the return and collection of old, derelict or unusable fishing gear.***

Amendment 95

Proposal for a directive Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that any ship may be subject to ***an inspection*** in order to verify that it complies with the requirements of this Directive.

Amendment

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

Amendment 96

Proposal for a directive

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. As regards inspections of ships falling outside the scope of Directive 2009/16/EC, Member States shall ensure that inspections are carried out of at least **20 %** of the total number of the individual vessels for each category listed below:

Amendment

1. As regards inspections of ships falling outside the scope of Directive 2009/16/EC, Member States shall ensure that inspections are carried out of at least **25 %** of the total number of the individual vessels ***per year*** for each category listed below:

Amendment 97

Proposal for a directive

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall establish procedures for inspections for fishing vessels below 100 gross tonnage as well as for recreational craft below 100 gross tonnage, to ensure compliance with the applicable requirements of this Directive, ensuring that inspections are carried out of at least 20 % of the total number of individual fishing vessels and recreational craft calling in the relevant Member State annually.

Amendment 98

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

2. The results of the inspections referred to in **paragraph 1** shall be recorded in the part of the information, monitoring and enforcement system referred to in Article 15 of this Directive.

Amendment

2. The results of the inspections referred to in **paragraphs 1 and 1a** shall be recorded in the part of the information, monitoring and enforcement system referred to in Article 15 of this Directive.

Amendment 99

**Proposal for a directive
Article 12 – paragraph 3**

Text proposed by the Commission

3. **Member States shall establish procedures for inspections for fishing vessels below 100 gross tonnage as well as for recreational craft below 100 gross tonnage, to ensure compliance with the applicable requirements of this Directive.**

Amendment

deleted

Amendment 100

**Proposal for a directive
Article 14 – paragraph 2 – point d a (new)**

Text proposed by the Commission

Amendment

(da) in the event of loss of fishing gear, the information required pursuant to Article 48 of Council Regulation (EC) No 1224/2009^{1a};

^{1a} Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008

and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

Amendment 101
Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. The information reported for the purposes of Articles 4 and 5(2) shall be subsequently transmitted by the Commission to the IMO Port Reception Facilities Database within GISIS.

Amendment

4. The information reported for the purposes of Articles 4 and 5(2) shall be subsequently transmitted by the Commission to the IMO Port Reception Facilities Database within GISIS, ***which will require regular updating***

Amendment 102
Proposal for a directive
Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Commission shall, on the basis of the data reported to it in accordance with point (da) of paragraph 2, publish, by 31 December 2022 and every two years thereafter, a synthesis report on the loss of fishing gear.

Amendment 103
Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

4. 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 the Directive.

Amendment

4. 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 the Directive. ***The Commission shall regularly review the database to monitor the implementation of the Directive and call***

attention to any doubts regarding comprehensive implementation with the aim of instigating corrective action.

Amendment 104

Proposal for a directive Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Training of personnel

Port and port reception facilities 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.

Amendment 105

Proposal for a directive Article 16 – paragraph 1

Text proposed by the Commission

Amendment

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

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive *and shall have regard to the seriousness of the infringement and whether a similar infringement has previously been committed by the authority, operator, agent, master or other relevant party concerned.*

Amendment 106

Proposal for a directive Article 17 – paragraph 1

Text proposed by the Commission

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, on the application of this Directive in Union ports.

Amendment

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.

Amendment 107

Proposal for a directive Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall, no later than ... [12 months after the date of adoption of this Directive] and every two years thereafter, report to the Commission on their best practices regarding sustainable waste management on board ships and in their ports. Six months after each reporting deadline, the Commission shall prepare a report on these best practices to provide guidance for progressing towards the objectives of this Directive.

Amendment 108

Proposal for a directive Article 20 a – paragraph 1 – point 1 (new) Directive 2005/35/EC Article 2 – paragraph 1 – point 2

Present text

Amendment

Article 20 a

***Amendments to Directive 2005/35/EC
Directive 2005/35/EC is amended as***

2. ‘polluting substances’ shall mean substances covered by Annexes I (oil) **and** II (noxious liquid substances in bulk) to Marpol 73/78;

follows:

(1) In Article 2, point 2 is replaced by the following:

“2. ‘polluting substances’ shall mean substances covered by Annexes I (oil), II (noxious liquid substances in bulk), **IV (sewage), V (garbage) and VI (air pollution-related residues)** to Marpol 73/78, **in its up-to-date version;**”

*((<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02005L0035-20091116>)(
Linked to the new amendment of Article 20a (new) proposing to modify the definition of
polluting substances in the Ship-Source Pollution Directive.))*

Amendment 109

Proposal for a directive

Article 20 a – paragraph 1 – point 2 (new)

Directive 2005/35/EC

Article 5 – paragraph 1

Present text

1. A discharge of polluting substances into any of the areas referred to in Article 3(1) shall not be regarded as an infringement, if it satisfies the conditions set out in Annex I, Regulations 15, 34, 4,1 or 4,3 **or** in Annex II, Regulations 13, 3.1.1 or 3.1.3 of Marpol 73/78.

Amendment

(2) In Article 5, paragraph 1 is replaced by the following:

“1. A discharge of polluting substances into any of the areas referred to in Article 3(1) shall not be regarded as an infringement, if it satisfies the conditions set out in Annex I, Regulations 15, 34, 4,1 or 4,3, in Annex II, Regulations 13, 3.1.1 or 3.1.3, **in Annex IV, Regulations 3 and 11, in Annex V, Regulations 4, 5, 6 or 7, or in Annex VI, Regulation 3,** of Marpol 73/78, **in its up-to-date version.**”

*((<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02005L0035-20091116>)(
Linked to the new amendment of Article 20a (new) proposing to modify the definition of
polluting substances in the Ship-Source Pollution Directive.))*

Amendment 110

Proposal for a directive

Article 20 a – paragraph 1 – point 3 (new)

Directive 2005/35/EC

Article 5 – paragraph 2

Present text

2. A discharge of polluting substances into the areas referred to in Article 3(1)(c), (d) and (e) shall not be regarded as an infringement for the owner, the master or the crew, if it satisfies the conditions set out in Annex I, Regulation 4,2 **or** in Annex II, Regulation 3.1.2 of Marpol 73/78.

Amendment

(3) In Article 5, paragraph 2 is replaced by the following:

“2. A discharge of polluting substances into the areas referred to in Article 3(1)(c), (d) and (e) shall not be regarded as an infringement for the owner, the master or the crew, if it satisfies the conditions set out in Annex I, Regulation 4,2, in Annex II, Regulation 3.1.2, **in Annex IV, Regulations 3 and 11, in Annex V, Regulations 4, 5, 6 or 7, or in Annex VI, Regulation 3, of Marpol 73/78, in its up-to-date version.**”

((<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02005L0035-20091116>)(
Linked to the amendment of Article 20a (new) proposing to modify the definition of polluting substances in the Ship-Source Pollution Directive.))

Amendment 111

**Proposal for a directive
Article 24 – paragraph 1**

Text proposed by the Commission

The Commission shall evaluate this Directive and submit the results of the evaluation to the European Parliament and the Council no later than **seven** years after its entry into force.

Amendment

The Commission shall evaluate this Directive and submit the results of the evaluation to the European Parliament and the Council no later than **four** years after its entry into force. **The Commission shall also evaluate whether the European Maritime Safety Agency (EMSA) should be granted additional competences for the enforcement of this Directive. This could include review and investigation of alleged inadequacies of port reception facilities under Article 4.**

Amendment 112

**Proposal for a directive
Article 25 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

Member States shall adopt and publish, by 31st of December 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall adopt and publish, by 31st of December 2020 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions. ***The obligations under Article 4(3), the last subparagraph of Article 5(2), Article 6(2), Article 7(3) and Article 9(3) shall be applied in accordance with Directive 2010/65/EU.***

Amendment 113

**Proposal for a directive
Annex 4 – subheading 1**

Text proposed by the Commission

Categories of costs ***for*** the operation and administration of PRF

Amendment

Categories of costs ***and net revenues related to*** the operation and administration of ***port reception facilities***

Amendment 114

**Proposal for a directive
Annex 4 – table – column 2 a (new)**

Text proposed by the Commission

Amendment

Revenues

Proceeds that arise from extended producer responsibility (EPR) scheme and national/regional funding available, including the revenue elements listed below.

- Collection, transport and treatment for non-separately collected waste (waste covered by EPR but not entering the separate collection channel, e.g. waste collected together with mixed municipal waste);

- *Public information and awareness raising;*
- *Waste prevention actions;*
- *Litter prevention and management;*
- *Enforcement and surveillance of the EPR system (including, auditing, measures against free riders, etc.);*
- *Administration, communication, and data management and reporting relative to the operation of collective schemes;*
- *Funding under the EMFF;*
- *Other funding or subsidies available to ports for waste management and fisheries.*

Amendment 115

Proposal for a directive Annex 4 a (new)

Text proposed by the Commission

Amendment

Net revenues

Net proceeds from waste management schemes and national/regional funding, including the revenue elements listed below.

- *Net financial benefits provided by extended producer responsibility schemes.*
- *Other net revenues from waste management such as recycling schemes.*
- *Funding under the European Maritime and Fisheries Fund.*
- *Other funding or subsidies available to ports for waste management and fisheries.*

Amendment 116

Proposal for a directive Annex 5 – paragraph 1

Text proposed by the Commission

[insert name of the ship] [insert IMO number] [insert name of the Flag State] is in scheduled traffic with frequent and regular port calls at the following port(s) located in [insert name of the Member State] according to a schedule or predetermined route:

Amendment

[insert name of the ship] [insert IMO number] [insert name of the Flag State] is in scheduled traffic ***or fishing trips*** with frequent and regular port calls at the following port(s) located in [insert name of the Member State] according to a schedule or predetermined route:

EXPLANATORY STATEMENT

Introduction:

Reducing marine litter and pollution has become one of the biggest environmental challenges. Between 4.8 and 12.7 million tonnes of plastic waste enter the ocean every year. Practically every type of plastic material and object can be found in the ocean, from the deep ocean floor to the remote Arctic. Due to its extensive use and its inappropriate disposal, this light and durable material has become in the form of macro- and microplastic a threat for the marine ecosystem. Although a great share of marine litter originates from land-based sources, this challenge can only be addressed using a holistic approach. Hence, tackling deliberately or accidentally released waste and sewage from ships plays an important role in achieving a plastic free and healthy ocean and by doing so preserving its vital role for human wellbeing in the future.

Directive 2000/59/EC regulates the shore side through provisions ensuring the availability of port reception facilities (PRF) and the delivery of waste to those facilities. It implements the relevant international norms, i.e. those contained in MARPOL (the International Convention for the Prevention of Pollution from Ships). 17 years after its entry into force the Directive requires a thorough review, because the scope and the definitions are no longer consistent with the international framework and Member States have different interpretation of its key concepts, which creates confusion among the parties concerned (ships, ports and operators).

Commission's Impact Assessment Study:

The Commission's Impact Assessment Study identified two main problems and five underlying problem drivers. The two main problems are identified as follows: ship generated waste and cargo residues discharged at sea and administrative burden associated with the implementation of the PRF directive. The five underlying problem drivers are: inadequate reception and handling of waste by port reception facilities; insufficient cost incentives for the delivery of ship-generated waste; ineffective and insufficient enforcement of the mandatory delivery obligation; inconsistent and outdated definitions and forms; inconsistent application of exemptions for ships in scheduled traffic.

Commission's proposal

The two general objectives of the Commission proposal amending Directive 2000/59/EC have been defined as follows: the reduction of discharges of ship-generated waste at sea and the reduction of the administrative burden on ports, port users and competent authorities. In order to achieve these general objectives, the following five specific objectives have been developed: ensuring the availability of adequate facilities; providing effective (cost) incentives to deliver waste to port reception facilities by introducing a 100% indirect fee for garbage and passively fished waste; removing barriers to enforcement; harmonization and updating the definitions and norms; harmonizing the rules for exemptions.

The Rapporteur's position

- The rapporteur welcomes the Commission’s proposal as part of a strategy towards a circular economy.
- The rapporteur supports the more generic definition of “**waste from ships**”, in relation to the relevant Annexes to MARPOL, including cargo residues, residues from exhaust gas cleaning systems (comprising sludge and bleed-off water from these systems), which ensures full compliance with the MARPOL definitions and further alignment with the standard IMO forms and certificates. However, she thinks more discharge bans are needed for certain cargo residues and wastewaters from open loop scrubbers. She encourages Member States to take action in their territorial waters and urges the EU work on that at IMO level.
- The rapporteur also proposes to include in the scope of the Directive waste from ship repair activities and **ballast water management** according to the IMO Ballast Water Management Convention entered into force on September 2017.
- The rapporteur emphasises the importance of **producing less waste on board** and stresses the need for awareness-raising activities and positive incentives in this field, such as adapting the “Green Ship” concept in relation to waste management on board.
- As only few figures are available about lost fishing gear which constitute a danger for the marine environment and the safety of ships the rapporteur specifies the reporting obligation for lost fishing gear when returning to the port.
- The rapporteur draws the attention on **passively fished waste** and the need to encourage projects to collect marine litter. Therefore the costs arising from the handling of passively fished waste should not be borne by port users and fishermen but covered by alternative financing systems such as waste management schemes or public funds.
- The rapporteur is concerned about the situation in **small ports**, risking to face considerable difficulties, because of limited resources available in terms of personnel, structure, organisation etc. In order not to impose a disproportionate administrative burden, very small ports should be exempted from putting up a waste management plan and issuing waste receipts.
- The rapporteur notes that vessels engaged in **short sea shipping** would face heavy administrative burden if their particular status were not taken into consideration. The possibility of a reduced fee to be applied on this particular type of vessels should be envisaged.
- The rapporteur limits the **obligation to discharge waste at EU ports** before leaving for Third countries to cases where no appropriate facilities are available in the next port of call.
- As controlling the discharge ban at sea is a major problem the rapporteur suggests that **EMSA’s role in enforcing the Directive** should be examined when the Commission is reviewing the Directive.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
Hazardous Waste Europe
EUROSHORE
Seas at Risk
European Sea Ports Organisation (ESPO)
Union des Ports de France
Port of Rotterdam
Hanse-Office, Vertretung der Hansestadt Hamburg und Schleswig-Holsteins bei der EU
European Community Shipowners' Associations (ECSA)
Verband Deutscher Reeder (VdR)
Union of Greek Shipowners
Cruise Lines International Association (CLIA)
Association of National Organisations of Fishing Enterprises in the EU (europêche)
Representatives from various Member States governments
Representatives from the European Commission

18.9.2018

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU (COM(2018)0033 – C8-0014/2018 – 2018/0012(COD))

Rapporteur for opinion (*): Bas Eickhout

(*) Associated committee – Rule 54 of the Rules of Procedure

SHORT JUSTIFICATION

Discharges of waste from ships pose a significant threat to the marine environment, with impacts on human health and costly economic consequences. Although land-based sources are the main contributors to marine litter, sea-based sources are responsible for a significant share as well, with an estimated EU average of 32% and values up to 50% for some EU sea basins. In order to tackle the issue of marine litter from ships the Commission has come forward with a proposal for a revision of the Port Reception Facilities (PRF) Directive.

The Commission proposal requires all Union ports to institute a 100% No-Special-Fee system for garbage in order to take away the economic incentive for ships to discharge their garbage at sea. The Rapporteur welcomes this important change proposed by the Commission. Ships should not have economic incentives to dump garbage at sea.

The Rapporteur also welcomes the inclusion of fishing vessels into the cost recovery systems. However, no specific measures have been proposed on fishing gear itself. This while a large proportion of fishing nets is lost (33%), resulting in ‘ghost fishing’, affecting fish stocks and causing harm to marine wildlife. It also leads to significant economic loss, since the nets often cause damage to other ships. The Rapporteur sees an important role for mandatory extended producer responsibility (EPR) schemes to address this issue. Member States should use modulated fees to encourage the design of gear to allow ease of recycling, and a deposit-refund fee on new gear sales to encourage end-of-life delivery.

Moreover, the Rapporteur is of the opinion that when fishing gear is lost by a vessel, it should be required to provide all relevant information to the competent authority of the flag Member

State. This information should be collected systematically in a central database (SafeSeaNet), to monitor the situation, to identify specific problems, and to facilitate retrieval. This would also help to enforce the ban of the dumping of old fishing gear. This data will form the basis of periodic reporting by the Commission, which would allow for mapping of lost fishing gear to assist with retrieval programmes and other measures.

Fishing vessels very often catch waste in their nets. According to the Rapporteur there should be no economic disincentive to bring this waste to the port. The Commission seeks to encourage the delivery of passively fished waste by including it in the 100% indirect fee system. The Rapporteur finds this a welcome addition, however, it could still lead to a higher across-the-board fee for fishing vessels. The rapporteur therefore introduces the requirement that the costs of collection of passively fished waste in port reception facilities and subsequent treatment are to be financed from alternative income sources stemming from the revised PRF Directive, such as through the new EPR schemes, or through subsidies.

The Commission introduces the concept of Green Ships: vessels that reduce their waste on board can qualify for a reduced fee. According to the Rapporteur, there is a need to clarify and harmonize the minimum requirements. The Rapporteur introduces a set of actions, in line with the principles of the circular economy and MARPOL guidelines on garbage in a new Annex. The measures range from source separation and collection to training and avoidance of disposable material.

The Rapporteur furthermore proposes to ensure that discharges of garbage and air-pollution related residues, if committed with intent, recklessly or by serious negligence, are being regarded as a criminal offence under EU law and thus requiring Member States to put adequate penalties in place. Exceptions to this addition should mirror those laid down in the International Convention for the Prevention of Pollution from Ships (MARPOL).

Finally, offshore platforms used for the production and storage of oil, whether fixed or floating, are currently not covered in the Commission proposal to revise the PRF Directive. In 2015, the EU had 232 offshore platforms that staffed approximately 100-200 people each. Analysts have concluded that they constitute a significant proportion of sources of at sea waste. The Rapporteur proposes to ensure that their waste is also brought to port reception facilities.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on port reception facilities for the delivery
of waste from ships, repealing Directive
2000/59/EC and amending Directive
2009/16/EC and Directive 2010/65/EU

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on port reception facilities for the delivery
of waste from ships, repealing Directive
2000/59/EC and amending Directive
2005/35/EC, Directive 2009/16/EC and
Directive 2010/65/EU

(Linked to the amendment of Article 20a (new) proposing to modify the definition of polluting substances in the Ship-Source Pollution Directive.)

Justification

Directive 2005/35/EC creates rules on the imposition of penalties in the event of discharges of polluting substances from ships. Directive 2005/35/EC currently only covers waste in Annexes I (oil) and II (noxious liquid substances in bulk) of MARPOL. It should be amended to include discharges of Annex V (garbage) and VI (air pollution related residues).

Amendment 2

Proposal for a directive Recital 2

Text proposed by the Commission

(2) The International Convention on the Prevention of Pollution from Ships ('MARPOL Convention') provides for general prohibitions on discharges from ships at sea, but also regulates the conditions under which certain types of

Amendment

(2) The International Convention on the Prevention of Pollution from Ships ('MARPOL Convention') provides for general prohibitions on discharges from ships **and fixed or floating platforms** at sea, but also regulates the conditions under

waste can be discharged into the marine environment. The MARPOL Convention requires Member States to ensure the provision of adequate reception facilities in ports.

which certain types of waste can be discharged into the marine environment. The MARPOL Convention requires Member States to ensure the provision of adequate reception facilities in ports.

Justification

MARPOL also regulates discharges of fixed or floating platforms. These should be added here.

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) In the last two decades, the MARPOL Convention and its Annexes have undergone important amendments, which put in place stricter norms and prohibitions for the discharges of waste from ships at sea.

Amendment

(4) In the last two decades, the MARPOL Convention and its Annexes have undergone important amendments, which put in place stricter norms **for the delivery of waste**, and prohibitions for the discharges of waste from ships at sea.

Justification

MARPOL also addresses delivery of waste to port reception facilities.

Amendment 4

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In spite of these regulatory developments, discharges of waste at sea still occur. This is due to a combination of factors, namely adequate port reception facilities are not always available in ports, enforcement is often insufficient and there is a lack of incentives to deliver the waste onshore.

Amendment

(7) In spite of these regulatory developments, discharges of waste at sea still occur **at huge environmental, social and economic costs**. This is due to a combination of factors, namely adequate port reception facilities are not always available in ports, enforcement is often insufficient and there is a lack of incentives to deliver the waste onshore.

Amendment 5

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In spite of improvements, food waste, in particular on cruise ships, can still be high. Practices for food waste management remain an area calling for the development of separate collection and reuse practices.

Amendment 6

Proposal for a directive Recital 12

Text proposed by the Commission

Amendment

(12) Separate collection of waste from ships, including derelict fishing gear, is necessary to ensure its further recovery in the downstream waste management chain. Garbage is often segregated on board of ships in accordance with international norms and standards and Union legislation should ensure that these efforts of on-board waste segregation are not undermined by a lack of arrangements for separate collection on shore.

(12) Separate collection of waste from ships, including derelict fishing gear, is necessary to ensure its further recovery ***for reuse or recycling*** in the downstream waste management chain ***and to prevent it causing damage to marine animals and environments***. Garbage is often segregated on board of ships in accordance with international norms and standards and Union legislation should ensure that these efforts of on-board waste segregation are not undermined by a lack of arrangements for separate collection on shore. ***Member States should encourage separate collection systems that are best suited to the ports' characteristics.***

Amendment 7

Proposal for a directive Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Separate collection of waste, such as food waste, lubricants and fuel oil, should be further developed with the

specific purpose of enabling their reuse in accordance with circular economy principles.

Amendment 8

Proposal for a directive Recital 13

Text proposed by the Commission

(13) Although the majority of marine litter originates from land-based activities, the shipping industry, including the fishing and recreational sectors, is also an important contributor, with discharges of garbage, including plastic and derelict fishing gear, going directly into the sea.

Amendment

(13) Although the majority of marine litter originates from land-based activities, the shipping industry, including the fishing and recreational sectors, is also an important contributor, with discharges of garbage, including plastic and derelict fishing gear, going directly into the sea. *The Commission estimates that plastics account for more than 80 % of marine litter, and that fishing gear containing plastics accounts for 27 % of marine litter items found on European beaches, which is equivalent to 11 000 tonnes a year.*

Amendment 9

Proposal for a directive Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Directive 2008/98/EC lays down waste prevention measures that Member States should take in order to prevent waste generation. These measures should include the aim to halt the generation of marine litter to contribute towards the UN Sustainable Development Goal to prevent and significantly reduce marine pollution of all kinds.

Amendment 10

Proposal for a directive Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) Fixed or floating platforms also contribute to marine litter and should be required to have a waste management plan, to collect their waste separately, and to deliver their waste to Union ports at regular intervals.

Amendment 11

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The IMO's International Convention of 13 February 2004 for the Control and Management of Ships' Ballast Water and Sediments ('BWM Convention') entered into force on 8 September 2017. The BWM Convention obliges all ships to carry out ballast water management procedures according to IMO standards, and requires ports and terminals designated for the cleaning and repair of ballast tanks to have adequate facilities to provide for the reception of sediments.

Amendment 12

Proposal for a directive Recital 18

Text proposed by the Commission

Amendment

(18) To address the problem of marine litter effectively, it is fundamental to provide the right level of incentives for the delivery of waste to port reception facilities, in particular garbage. This can be achieved through a cost recovery system, which requires the application of an indirect fee, which is due irrespective of

(18) To address the problem of marine litter effectively, it is fundamental to provide the right level of incentives for the delivery of waste to port reception facilities, in particular garbage. This can be achieved through a cost recovery system, which requires the application of an indirect fee, which is due irrespective of

the delivery of waste and which should give a right of delivery of the waste without any additional direct charges. The fishing and recreational sector, given their contribution to the occurrence of marine litter, should also be included in this system.

the delivery of waste and which should give a right of delivery of the waste without any additional direct charges. The fishing and recreational sector, given their contribution to the occurrence of marine litter, should also be included in this system. ***The delivery of passively fished waste should not result in additional costs for fishing vessels.***

Amendment 13

Proposal for a directive Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Fishermen can play a substantial role in cleaning-up marine litter by bringing passively fished waste back to port, so that it can undergo proper waste management. To promote the delivery of passively fished waste collected in nets during normal fishing operations, Member States should cover the costs associated with its collection in port reception facilities and subsequent management, with revenues generated by alternative income sources.

Amendment 14

Proposal for a directive Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) To address the problem of marine litter effectively, Member States should, in addition, endeavour to devise strategies and plans to reduce the instances of fishing gear abandoned at sea and to that end should make use of, for example, grants under the European Maritime and Fisheries Fund (EMFF), as well as draw on the support of the Structural Funds and European territorial cooperation (ETC) and the necessary active involvement of the regions. New

governance tools and good practices should likewise be encouraged, such as those being considered in Adriatic-based projects co-financed with ETC funding, another possibility being to have fishing fleets play a new role as Sea Sentinels.

Amendment 15

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) The ‘Green Ship’ concept should be ***further developed*** in relation to waste management, so that an effective reward system can be implemented for those vessels that reduce their waste on board.

Amendment

(19) The ‘Green Ship’ concept should be ***implemented*** in relation to waste management. ***Minimum requirements should be established across the Union, and realised in an harmonised way as much as possible,*** so that an effective reward system can be implemented for those vessels that reduce their waste on board ***through environmentally sustainable waste prevention and management, in line with best practices and the 2017 IMO guidelines for the implementation of Annex V of the MARPOL Convention. Member States should encourage practices beyond the required standards.***

Amendment 16

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Cargo residues remain the property of the cargo owner after unloading the cargo to the terminal, and often have an economic value. For this reason, the cargo residues should not be included in the cost recovery systems and the application of the indirect fee; the fee for the delivery of cargo residues should be paid by the user of the reception facility, as specified in the contractual arrangements between the

Amendment

(20) Cargo residues remain the property of the cargo owner after unloading the cargo to the terminal, and often have an economic value. For this reason, the cargo residues should not be included in the cost recovery systems and the application of the indirect fee; the fee for the delivery of cargo residues should be paid by the user of the reception facility, as specified in the contractual arrangements between the

parties involved or in other local arrangements.

parties involved or in other local arrangements. ***This should however not apply to cargo residues that are not easily recovered, like high-viscosity, persistent floating substances such as paraffin. Such substances can have low economic value and therefore run the risk of being washed out on the seas, if not appropriately washed out at port reception facilities.***

Amendment 17

Proposal for a directive Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) In order to improve maritime safety and enhance protection of the marine environment, Directive 2005/35/EC of the European Parliament and of the Council ^{1a} should be amended to also address ship-source pollution by waste as defined in Annexes IV to VI to the MARPOL Convention in Union law and ensure that persons responsible for unlawful discharges are subject to adequate penalties.

^{1a} Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences (OJ L 255, 30.9.2005, p. 11).

Justification

Directive 2005/35/EC creates rules on the imposition of penalties in the event of discharges of polluting substances from ships. It currently only covers waste in Annexes I (oil) and II (noxious liquid substances in bulk) of MARPOL. It should be amended to also include discharges of sewage (Annex IV), of garbage (Annex V) and of air pollution related wastes (Annex VI).

Amendment 18

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Monitoring and enforcement should be facilitated through a system based on electronic reporting and exchange of information. To this end, the existing information and monitoring system set up under Directive 2000/59/EC should be further developed, and continue to be operated on basis of existing electronic data systems, in particular the Union Maritime Information and Exchange system (SafeSeaNet) and the Inspection Database (THETIS). The system should also include the information on port reception facilities available in the different ports.

Amendment 19

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) In order to take account of developments at international level, and to promote environmentally sound waste management practices on board, the power to adopt acts in accordance with article 290 TFEU should be delegated to the Commission in respect of amending this Directive to update the references to international instruments and the Annexes and to change references to international instruments, in order to prevent, if necessary, changes to those international instruments from applying for the purposes of this Directive, and to *develop* common criteria for recognising 'green ships' for the purpose of granting a reduced waste fee to those ships. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission when preparing and drawing up delegated

Amendment

(24) Monitoring and enforcement should be facilitated through a system based on electronic reporting and exchange of information. To this end, the existing information and monitoring system set up under Directive 2000/59/EC should be further developed, and continue to be operated on basis of existing electronic data systems, in particular the Union Maritime Information and Exchange system (SafeSeaNet) and the Inspection Database (THETIS). The system should also include the information on port reception facilities available in the different ports *and losses of fishing gear*.

Amendment

(30) In order to take account of developments at international level, and to promote environmentally sound waste management practices on board, the power to adopt acts in accordance with article 290 TFEU should be delegated to the Commission in respect of amending this Directive to update the references to international instruments and the Annexes and to change references to international instruments, in order to prevent, if necessary, changes to those international instruments from applying for the purposes of this Directive, and to *modify* common criteria for recognising 'green ships', *while taking into account existing good practices and bottom-up schemes*, for the purpose of granting a reduced waste fee to those ships. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work,

acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

including at expert level. The Commission when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Amendment 20

Proposal for a directive

Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) ‘fixed or floating platform’ means any fixed or floating platform located offshore, including drilling rigs or floating production, storage, loading or offloading facilities used for the production and storage of any substance or material in a solid, liquid, or gaseous state;

Amendment 21

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ‘waste from ships’ means all waste, including cargo residues, which is generated during the service of a ship or during loading, unloading **and** cleaning operations, or waste that is collected in nets during fishing operations, and falls under the scope of Annexes I, II, IV, V and VI to MARPOL;

(c) ‘waste from ships’ means all waste, including cargo residues, which is generated during the service of a ship **or of a fixed or floating platform, or** during loading, unloading, cleaning **and ship repair operations including sediments from cleaning or repair of ballast tanks,** or waste that is collected in nets during fishing operations, and falls under the scope of Annexes I, II, IV, V and VI to MARPOL;

Amendment 22

Proposal for a directive

Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *‘passively fished waste’ means waste unintentionally collected in nets during fishing operations;*

Amendment 23

Proposal for a directive

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) ‘cargo residues’ means the remnants of any cargo material on board which remain on the deck **or** in holds following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash-water, excluding cargo dust remaining on the deck after sweeping or dust of the external surfaces of the ship;

(d) ‘cargo residues’ means the remnants of any cargo material on board which remain on the deck, in holds **or tanks** following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash-water, excluding cargo dust remaining on the deck after sweeping or dust of the external surfaces of the ship;

Amendment 24

Proposal for a directive

Article 2 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) *‘fishing gear’ means any item or piece of equipment used in fishing and aquaculture to target or capture marine biological resources, or floating on the sea surface and deployed for the purpose of attracting and capturing marine biological resources;*

Amendment 25

Proposal for a directive

Article 2 – paragraph 1 – point l

Text proposed by the Commission

Amendment

(l) ‘sufficient storage capacity’ means enough capacity *to store the* waste on board from the moment of departure until the next port of call, including the waste that is likely to be generated during the voyage;

(l) ‘sufficient storage capacity’ means enough *dedicated* capacity *for each type of* waste *to be stored* on board from the moment of departure until the next port of call, including the waste that is likely to be generated during the voyage;

Amendment 26

Proposal for a directive

Article 4 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) The ports and terminals where cleaning or repair of ballast tanks occurs have adequate port reception facilities for the reception of sediments;

Amendment 27

Proposal for a directive

Article 4 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) The port reception facilities allow for the management of the ship’s waste in an environmentally appropriate way in accordance with the requirements of Directive 2008/98/EC and other relevant Union legislation on waste. To this end, the Member States shall provide for separate collection of waste from ships in ports as required in Union waste legislation, in particular Directive 2008/98/EC, Directive 2012/19/EU and Directive 2006/66/EC. Point (c) shall apply without prejudice to the more stringent requirements imposed by Regulation (EC) 1069/2009 for the management of catering waste from international transport.

(c) The port reception facilities allow for the management of the ship’s waste in an environmentally appropriate way in accordance with the requirements of Directive 2008/98/EC and other relevant Union legislation on waste. To this end, the Member States shall provide for separate collection *to facilitate reuse and recycling* of waste from ships in ports as required in Union waste legislation, in particular Directive 2008/98/EC, *European Parliament and Council Directive 94/62/EC^{1a}*, Directive 2012/19/EU and Directive 2006/66/EC. Point (c) shall apply without prejudice to the more stringent requirements imposed by Regulation (EC) 1069/2009 for the management of catering waste from international transport.

Amendment 28

Proposal for a directive Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *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.*

Amendment 29

Proposal for a directive Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. An appropriate waste reception and handling plan shall be in place and implemented for each port following ongoing consultations with the relevant parties, ***in particular*** with port users or their representatives. Those consultations should be held both during the initial drafting of the plans and after their adoption, in particular when significant changes have taken place, with regards to the requirements in Articles 4, 6, and 7. The detailed requirements for the development of such plans are set out in Annex 1.

1. An appropriate waste reception and handling plan shall be in place and implemented for each port following ongoing consultations with the relevant parties, ***including*** with port users or their representatives ***and civil society***. Those consultations should be held both during the initial drafting of the plans and after their adoption, in particular when significant changes have taken place, with regards to the requirements in Articles 4, 6, and 7. The detailed requirements for the development of such plans are set out in Annex 1.

Amendment 30

Proposal for a directive Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Very small ports, which are characterised by low or rare traffic from recreational crafts only, may be exempted from the scope of this Article if their port reception facilities are integrated in the waste handling system managed by or on behalf of the 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 those ports electronically in the part of the information, monitoring and enforcement system referred to in Article 14.

Amendment 31

Proposal for a directive Section 3 – title

Text proposed by the Commission

Amendment

Delivery of waste from ships

Discharge and delivery of waste from ships

(Linked to the amendment of Article 7(1).)

Justification

The section should also deal with the discharge prohibitions applicable according to the MARPOL Convention.

Amendment 32

Proposal for a directive Article 7 – title

Text proposed by the Commission

Amendment

Delivery of waste from ships

Discharge and delivery of waste from ships

(Linked to the amendment of Article 7(1).)

Justification

The article should also deal with the discharge prohibitions applicable according to the MARPOL Convention.

Amendment 33

Proposal for a directive Article 7 – paragraph 1

Text proposed by the Commission

1. The master of a ship calling at a Union port shall, before leaving the port, deliver all the waste carried on board of the ship to a port reception facility in accordance with the relevant discharge norms laid down in the MARPOL Convention.

Amendment

1. The master of a ship calling at a Union port shall, before leaving the port, deliver all the waste carried on board of the ship to a port reception facility, ***and after leaving the port, shall not discharge waste at sea,*** in accordance with the relevant ***delivery and*** discharge norms ***and regulations*** laid down in the MARPOL Convention. ***That requirement shall also apply to sediments from cleaning and repair of ballast tanks, in accordance with the BWM Convention.***

Amendment 34

Proposal for a directive Article 7 – paragraph 7

Text proposed by the Commission

7. ***If the next port of call is located outside the Union, or there are good reasons to believe*** that adequate facilities are ***not*** available in the next port of call, or this port is unknown, the Member State shall require the ship to deliver all its waste before departure.

Amendment

7. ***If, on the basis of the available information, including information electronically available in the information, monitoring and enforcement system referred to in Article 14 of this Directive or in GISIS, it cannot be established*** that adequate facilities are available in the next port of call, or this port is unknown, the Member State shall require the ship to deliver all its waste before departure.

Amendment 35

Proposal for a directive Article 7 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The master of a fixed or floating platform shall ensure that its waste is delivered to a port reception facility at regular intervals in accordance with the MARPOL Convention.

Amendment 36

Proposal for a directive Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a

The master of a ship calling at a Union port shall, before leaving the port, apply prewash procedures for high-viscosity, persistent floating substances, including paraffin, in accordance with Annex II to the MARPOL Convention and discharge any residues or water mixtures at the port of unloading until the tank is empty and discharge pipes are free from residues.

Justification

Given the adoption of draft amendments by the PPR in February 2018 requiring pre-washing of tanks with high-viscosity persistent floaters, which will be considered for adoption into Annex II at MEPC 73, the EU should include these requirements in the revised PRF Directive, thus making them Union law, adding the obligation to ensure discharge pipes are free from residues. Specifically paraffin is washed out on the seas and arrives at European beaches, causing problems for, inter alia, wildlife.

Amendment 37

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

Amendment

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, shall be covered through the collection of a fee from ships. Those costs include the elements listed in Annex 4.

1. Member States shall ensure that the costs of operating port reception facilities for the reception and treatment of waste from ships, *including cargo residues of high-viscosity, persistent floating substances, but excluding other* cargo residues, shall be covered through the collection of a fee from ships. Those costs include the elements listed in Annex 4.

Amendment 38

Proposal for a directive Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) in order to provide for a maximum incentive for the delivery of waste as defined in Annex V to the MARPOL Convention, including the waste that has been collected in nets during fishing operations, the indirect fee to be charged shall cover all the costs of port reception facilities for this waste, in order to ensure a right of delivery without any additional direct charges;

Amendment

(c) in order to provide for a maximum incentive for the delivery of waste as defined in Annex V to the MARPOL Convention, including the waste that has been collected in nets during fishing operations, *and cargo residues of high-viscosity, persistent floating substances*, the indirect fee to be charged shall cover all the costs of port reception facilities for this waste, in order to ensure a right of delivery without any additional direct charges;

Amendment 39

Proposal for a directive Article 8 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) in order to avoid the costs of collection in port reception facilities and of the subsequent treatment of passively fished waste being borne by port users, Member States shall cover those costs entirely from the revenues generated by alternative income sources listed in Annex 4;

Amendment 40

Proposal for a directive Article 8 – paragraph 5

Text proposed by the Commission

5. The fees shall be reduced if the ship's design, equipment and operation are such that it can be demonstrated that the ship produces reduced quantities of waste, and manages its waste in a sustainable and environmentally sound manner. The Commission **shall be empowered by means of** delegated acts in accordance with Article 19, **to define the criteria for determining that a ship meets the requirements stated in this paragraph in relation to the ship's on-board waste management.**

Amendment

5. The fees shall be reduced if the ship's design, equipment, **procurement policies** and operation are such that it can be demonstrated that the ship produces reduced quantities of **the category of** waste **to which the fee applies**, and manages its waste in a sustainable and environmentally sound manner **in accordance with Annex 4a for ships other than fishing vessels and in accordance with Annex 4b for fishing vessels.** The Commission **is** empowered **to adopt** delegated acts in accordance with Article 19 **to amend Annexes 4a and 4b, in order to modify the harmonised minimum** requirements.

Amendment 41

Proposal for a directive Article 9 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the exemption does not pose a negative impact on maritime safety, health, shipboard living or working conditions or on the marine environment;

Amendment 42

Proposal for a directive Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. As regards inspections of ships falling outside the scope of Directive 2009/16/EC, Member States shall ensure that inspections are carried out of at least 20 % of the total number of the individual vessels for each category listed below:

1. As regards inspections of ships falling outside the scope of Directive 2009/16/EC, Member States shall ensure that inspections are carried out of at least 20 % of the total number of the individual vessels **per year** for each category listed

below:

Amendment 43

Proposal for a directive Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall establish procedures for inspections for fishing vessels below 100 gross tonnage as well as for recreational craft below 100 gross tonnage, to ensure compliance with the applicable requirements of this Directive, ensuring that inspections are carried out of at least 20 % of the total number of individual fishing vessels and recreational craft calling in the relevant Member State annually.

Amendment 44

Proposal for a directive Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. The results of the inspections referred to in ***paragraph*** 1 shall be recorded in the part of the information, monitoring and enforcement system referred to in Article 15 of this Directive.

2. The results of the inspections referred to in ***paragraphs 1 and 1a*** shall be recorded in the part of the information, monitoring and enforcement system referred to in Article 15 of this Directive.

Amendment 45

Proposal for a directive Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall establish procedures for inspections for fishing vessels below 100 gross tonnage as well as for recreational craft below 100 gross tonnage, to ensure compliance with the

deleted

applicable requirements of this Directive.

Amendment 46

Proposal for a directive

Article 14 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) in the event of loss of fishing gear, the information required pursuant to Article 48 of Council Regulation (EC) No 1224/2009^{1a};

^{1a} Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

Amendment 47

Proposal for a directive

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order to ensure uniform conditions for the reporting of loss of fishing gear, implementing powers shall be conferred on the Commission to define the format of reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).

Amendment 48

Proposal for a directive Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The Commission shall, on the basis of the data reported to it in accordance with point (da) of paragraph 2, publish, by 31 December 2022 and every two years thereafter, a synthesis report on the loss of fishing gear.*

Amendment 49

Proposal for a directive Article 15 – paragraph 4

Text proposed by the Commission

Amendment

4. 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 the Directive.

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

Amendment 50

Proposal for a directive Article 17 – paragraph 1

Text proposed by the Commission

Amendment

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, on the application of this Directive in Union ports.

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 ***and civil society***, on the application of this Directive in Union ports.

Justification

The exchange of experience should not just be between national authorities and experts from the private sector, but also include experts from civil society.

Amendment 51

Proposal for a directive

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall, no later than ... [12 months after the date of adoption of this Directive] and every two years thereafter, report to the Commission on their best practices regarding sustainable waste management on board ships and in their ports. Six months after each reporting deadline, the Commission shall prepare a report on these best practices to provide guidance for progressing towards the objectives of this Directive.

Amendment 52

Proposal for a directive

Article 20 a – paragraph 1 – point 1 (new)

Directive 2005/35/EC

Article 2 – paragraph 1 – point 2

Present text

Amendment

Article 20 a

Amendments to Directive 2005/35/EC

Directive 2005/35/EC is amended as follows:

(1) In Article 2, point 2 is replaced by the following:

2. ‘polluting substances’ shall mean substances covered by Annexes I (oil) ***and*** II (noxious liquid substances in bulk) to Marpol 73/78;

“2. ‘polluting substances’ shall mean substances covered by Annexes I (oil), II (noxious liquid substances in bulk), IV (sewage), V (garbage) and VI (air pollution-related residues) to Marpol 73/78, in its up-to-date version;”

*((<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02005L0035-20091116>)(
Linked to the new amendment of Article 20a (new) proposing to modify the definition of
polluting substances in the Ship-Source Pollution Directive.))*

Justification

Directive 2005/35/EC creates rules on the imposition of penalties in the event of discharges of polluting substances from ships. It currently only covers waste in Annexes I (oil) and II (noxious liquid substances in bulk) of MARPOL. It should be amended to include discharges of Annex IV (sewage), Annex V (garbage) and VI (air-pollution related). Such discharges, if committed with intent, recklessly or by serious negligence, should also be seen as a criminal offence.

Amendment 53

Proposal for a directive

Article 20 a – paragraph 1 – point 2 (new)

Directive 2005/35/EC

Article 5 – paragraph 1

Present text

1. A discharge of polluting substances into any of the areas referred to in Article 3(1) shall not be regarded as an infringement, if it satisfies the conditions set out in Annex I, Regulations 15, 34, 4,1 or 4,3 **or** in Annex II, Regulations 13, 3.1.1 or 3.1.3 of Marpol 73/78.

Amendment

(2) In Article 5, paragraph 1 is replaced by the following:

“1. A discharge of polluting substances into any of the areas referred to in Article 3(1) shall not be regarded as an infringement, if it satisfies the conditions set out in Annex I, Regulations 15, 34, 4,1 or 4,3, in Annex II, Regulations 13, 3.1.1 or 3.1.3, **in Annex IV, Regulations 3 and II, in Annex V, Regulations 4, 5, 6 or 7, or in Annex VI, Regulation 3, of Marpol 73/78, in its up-to-date version.**”

*((<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02005L0035-20091116>)(
Linked to the new amendment of Article 20a (new) proposing to modify the definition of
polluting substances in the Ship-Source Pollution Directive.))*

Justification

In light of the amendment of the definition of polluting substances, the exceptions need to be modified accordingly. The exceptions should reflect those in MARPOL.

Amendment 54

Proposal for a directive

Article 20 a – paragraph 1 – point 3 (new)

Directive 2005/35/EC

Article 5 – paragraph 2

Present text

2. A discharge of polluting substances into the areas referred to in Article 3(1)(c), (d) and (e) shall not be regarded as an infringement for the owner, the master or the crew, if it satisfies the conditions set out in Annex I, Regulation 4,2 **or** in Annex II, Regulation 3.1.2 of Marpol 73/78.

Amendment

(3) In Article 5, paragraph 2 is replaced by the following:

“2. A discharge of polluting substances into the areas referred to in Article 3(1)(c), (d) and (e) shall not be regarded as an infringement for the owner, the master or the crew, if it satisfies the conditions set out in Annex I, Regulation 4,2, in Annex II, Regulation 3.1.2, **in Annex IV, Regulations 3 and 11, in Annex V, Regulations 4, 5, 6 or 7, or in Annex VI, Regulation 3, of Marpol 73/78, in its up-to-date version.**”

((<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02005L0035-20091116>)(
Linked to the amendment of Article 20a (new) proposing to modify the definition of polluting substances in the Ship-Source Pollution Directive.))

Justification

In light of the amendment of the definition of polluting substances, the exceptions need to be modified accordingly. The exceptions should reflect those in MARPOL. For polluting substances that fall under Annexes IV, V or VI, there is no reason to apply different exceptions for straits, the exclusive economic zone or the high seas.

Amendment 55

Proposal for a directive Annex 4 – subheading 1

Text proposed by the Commission

Categories of costs **for** the operation and administration of PRF

Amendment

Categories of costs **and net revenues related to** the operation and administration of PRF

Justification

Net revenues should also be indicated. They should be used inter alia to cover the costs of passively fished waste.

Amendment 56

Proposal for a directive Annex 4 – column 2 a (new)

Text proposed by the Commission

Amendment

Net revenues

Net proceeds from waste management schemes and national/regional funding, including the revenue elements listed below.

- *Net financial benefits provided by extended producer responsibility schemes;*
- *Other net revenues from waste management such as recycling schemes;*
- *Funding under the European Maritime and Fisheries Fund;*
- *Other funding or subsidies available to ports for waste management and fisheries.*

Justification

Net revenues should be set out. These should be used to cover the costs of passively fished waste.

Amendment 57

Proposal for a directive Annex 4 a (new)

Text proposed by the Commission

Amendment

ANNEX 4a

REQUIREMENTS FOR SHIPS OTHER THAN FISHING VESSELS TO QUALIFY FOR A REDUCTION OF THE FEE AS REFERRED TO IN ARTICLE 8(5)

The following requirements shall be met for any ship other than fishing vessels to qualify for a fee reduction:

- a) *adoption of a garbage reduction management plan with measures and*

procedures to minimise the taking on board of material that could become waste;

b) establishing measures and procedures to reduce garbage generated during procurement of supplies and provisions, including:

- using supplies that come in bulk and recycled packaging or reusable packaging and containers;

- avoiding the use of disposable cups, utensils, dishes, towels, rags and other convenience items whenever possible;

- avoiding supplies that are made of or packaged in plastics, unless specifically designed for reuse;

c) establishing measures and procedures to reduce garbage generated during the selection of materials for stowage, and securing or protection of cargo from weather conditions, including:

- using permanent reusable coverings for cargo protection instead of disposable or recyclable plastic sheeting;

- using stowage systems and methods that reuse dunnage, shoring, lining and packing materials;

d) implementing source separation and collection, including the provision of distinctively marked garbage receptacles on board the ship to receive and separate garbage as it is generated;

e) providing crew training and putting operational procedures in place to limit the accidental or deliberate discharge of any waste;

f) implementing disciplinary procedures and having penalties for employee misconduct resulting in the discharge of waste into the sea.

Justification

The requirements to qualify for a fee reduction should be laid down in an Annex. These requirements are based on MARPOL guidelines. The provisions on crew training and disciplinary procedures have been added by the rapporteur.

Amendment 58

Proposal for a directive Annex 4 b (new)

Text proposed by the Commission

Amendment

ANNEX 4b

REQUIREMENTS FOR FISHING VESSELS TO QUALIFY FOR A REDUCTION OF THE FEE AS REFERRED TO IN ARTICLE 8(5)

*The following requirements shall be met
for fishing vessels to qualify for a fee
reduction:*

- 1. For all fishing vessels:*
 - procurement of fishing gear and components designed to promote reuse and recycling at end of life;*
 - training to prevent and retrieve losses;*
 - delivery of passively fished waste collected in nets during fishing operations to port reception facilities;*
- 2. In addition to point 1, for fishing vessels above 12 metres in length:*
 - a) adoption of a garbage reduction management plan with measures and procedures to minimise taking on board of material that could become waste;*
 - b) establishing measures and procedures to reduce garbage generated during procurement of supplies and provisions, including:*
 - using supplies that come in bulk and recycled packaging or reusable packaging and containers;*

- *avoiding the use of disposable cups, utensils, dishes, towels, rags and other convenience items whenever possible;*
 - *avoiding supplies that are made of or packaged in plastics, unless specifically designed for reuse;*
 - c) *establishing measures and procedures to reduce garbage generated during the selection of materials for stowage and securing or protection of cargo from weather conditions, including:*
 - *using permanent reusable coverings for cargo protection instead of disposable or recyclable plastic sheeting;*
 - *using stowage systems and methods that reuse dunnage, shoring, lining and packing materials;*
 - d) *implementing source separation and collection, including the provision of distinctively marked garbage receptacles on board the ship to receive and separate garbage as it is generated;*
 - e) *providing crew training and putting operational procedures in place to limit the accidental or deliberate discharge of any waste;*
 - f) *implementing disciplinary procedures and having penalties for employee misconduct resulting in the discharge of waste into the sea;*
3. *In addition to point 1, for fishing vessels less than 12 meters in length that operate exclusively within their territorial seas or never spend more than 24 hours at sea:*
- *having equipment on board to retrieve lost gear.*

Justification

The criteria for a fee reduction for fishing vessels should be laid down in an Annex. Some requirements should apply to all fishing vessels, some in addition only to medium-sized/big ones or small ones. To qualify for the fee reduction, all fishing vessels should procure reusable and recyclable nets. Medium-sized/ big fishing vessels should adopt garbage

reduction measures based on MARPOL guidelines. Small fishing vessels should have an incentive to have equipment on board to retrieve lost gear.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Port reception facilities for the delivery of waste from ships
References	COM(2018)0033 – C8-0014/2018 – 2018/0012(COD)
Committee responsible Date announced in plenary	TRAN 5.2.2018
Opinion by Date announced in plenary	ENVI 5.2.2018
Associated committees - date announced in plenary	31.5.2018
Rapporteur Date appointed	Bas Eickhout 7.3.2018
Discussed in committee	20.6.2018
Date adopted	13.9.2018
Result of final vote	+: 35 –: 1 0: 6
Members present for the final vote	Marco Affronte, Margrete Auken, Catherine Bearder, Simona Bonafè, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Birgit Collin-Langen, Miriam Dalli, Seb Dance, José Inácio Faria, Elisabetta Gardini, Arne Gericke, Jens Gieseke, Sylvie Goddyn, Françoise Grossetête, Jytte Guteland, Jean-François Jalkh, Urszula Krupa, Giovanni La Via, Jo Leinen, Peter Liese, Jiří Maštálka, Rory Palmer, Massimo Paolucci, Gilles Pargneaux, Bolesław G. Piecha, John Procter, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Adina-Ioana Vălean, Damiano Zoffoli
Substitutes present for the final vote	Linnéa Engström, Elena Gentile, Carolina Punset, Bart Staes, Tiemo Wölken
Substitutes under Rule 200(2) present for the final vote	José Blanco López, Santiago Fisas Ayxelà, Tonino Picula, Lieve Wierinck

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
ALDE	Catherine Bearder, Carolina Punset, Lieve Wierinck
GUE/NGL	Jiří Maštálka
PPE	Birgit Collin-Langen, José Inácio Faria, Santiago Fisas Aixelà, Jens Gieseke, Françoise Grossetête, Giovanni La Via, Peter Liese, Annie Schreijer-Pierik, Renate Sommer, Adina-Ioana Vălean
S&D	José Blanco López, Simona Bonafè, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Miriam Dalli, Seb Dance, Elena Gentile, Jytte Guteland, Jo Leinen, Rory Palmer, Massimo Paolucci, Gilles Pargneaux, Tonino Picula, Tiemo Wölken, Damiano Zoffoli
VERTS/ALE	Marco Affronte, Margrete Auken, Linnéa Engström, Davor Škrlec, Bart Staes

1	-
ECR	John Procter

6	0
ECR	Arne Gericke, Urszula Krupa, Bolesław G. Piecha
ENF	Sylvie Goddyn, Jean-François Jalkh
PPE	Elisabetta Gardini

Key to symbols:

+ : in favour

- : against

0 : abstention

13.7.2018

OPINION OF THE COMMITTEE ON FISHERIES

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU (COM(2018)0033 – C8-0014/2018 – 2018/0012(COD))

Rapporteur for opinion: Cláudia Monteiro de Aguiar

AMENDMENTS

The Committee on Fisheries calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The United Nations Sustainable Development Goal 14 calls attention to the threats of marine and nutrient pollution resource depletion and climate change, all of which are caused primarily by human actions. Those threats place further pressure on environmental systems, like biodiversity and natural infrastructure, while creating global socio-economic problems, including health, safety and financial risks. The European Union must work to protect marine species and support the people who depend on oceans, whether it be for

employment, resources or leisure.

Amendment 2

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Fisheries sector initiatives aimed at reducing fishing waste or retrieving plastic waste, including lost fishing gear, should be welcomed.

Amendment 3

Proposal for a directive Recital 11

Text proposed by the Commission

Amendment

(11) Directive 2008/98/EC lays down the main waste management principles, including the "polluter pays" principle and the waste hierarchy, which calls for the reuse and recycling of waste over other forms of waste recovery and disposal and requires the establishment of systems for the separate collection of waste. ***These*** obligations also apply to the management of waste from ships.

(11) Directive 2008/98/EC lays down the main waste management principles, including the "polluter pays" principle and the waste hierarchy, which calls for the reuse and recycling of waste over other forms of waste recovery and disposal and requires the establishment of systems for the separate collection of waste. ***Furthermore, the extended producer responsibility concept is a guiding principle of Union waste law, on the basis of which producers are responsible for the environmental impacts of their products throughout their life-cycle. Those*** obligations also apply to the management of waste from ships.

Amendment 4

Proposal for a directive Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) In certain Member States, schemes have been set up to provide financing for fishermen for the costs that they might incur as a result of delivering fishing gear waste or actively and passively fished waste ashore. Those schemes could be supported by extended producer responsibility schemes, which could complement the cost recovery systems set up in accordance with this Directive. As such, those cost recovery systems should not create a disincentive for fishing vessels and port communities to participate in existing delivery schemes for actively and passively fished waste.

Amendment 5

Proposal for a directive Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) To promote the delivery of passively fished waste collected in nets during normal fishing operations, Member States should cover the costs associated with its collection in port reception facilities and subsequent management, with revenues generated by alternative income sources.

Justification

It is important that this Directive also addresses passively fished waste. The delivery of passively fished waste should not result in additional costs on fishing vessels. The costs of collection of passively fished waste in port reception facilities and subsequent treatment should be financed by alternative income sources.

Amendment 6

Proposal for a directive Recital 19

Text proposed by the Commission

(19) The ‘Green Ship’ concept should be **further developed** in relation to waste management, so that an effective reward system can be implemented for those vessels that reduce their waste on board.

Amendment

(19) The ‘Green Ship’ concept should be **implemented** in relation to waste management. **Minimum requirements should be established across the Union**, so that an effective reward system can be implemented for those vessels that reduce their waste on board, **in line with best practices and the 2017 IMO guidelines for the implementation of Annex V of the MARPOL Convention. In addition, reduction of waste is primarily achieved through effective on board waste segregation in line with the IMO guidelines for MARPOL Annex V and standards developed by the International Standardization Organization.**

Justification

The ‘Green Ship’ concept should be implemented right now, particularly since clear guidelines already exist for it.

Amendment 7

**Proposal for a directive
Recital 21 a (new)**

Text proposed by the Commission

Amendment

(21a) Plastic fishing gear has a high recycling potential, in particular when designed properly. Therefore, in line with the polluter pays principle, extended producer responsibility schemes should be established to finance sound waste management of fishing gear and components and to achieve high collection rates.

Justification

The requirements for ‘extended producer responsibility’ (EPR) should also be set for fishing gear.

Amendment 8

Proposal for a directive Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) The specific characteristics of the Outermost Regions, recognised in Article 349 TFEU, must be considered when ensuring the adequacy of port reception facilities in regions that might not be able to comply with. Their special status must therefore be taken into consideration. For that reason, it is necessary for Member States to be able to adopt specific funding measures so that they can ensure the availability of adequate reception facilities.

Amendment 9

Proposal for a directive Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) ‘waste from ships’ means all waste, including cargo residues, which is generated during the service of a ship or during loading, unloading and cleaning operations, ***or waste that is collected in nets during fishing operations***, and falls under the scope of Annexes I, II, IV, V and VI to MARPOL;

(c) ‘waste from ships’ means all waste, including cargo residues, which is generated during the service of a ship or during loading, unloading and cleaning operations, and falls under the scope of Annexes I, II, IV, V and VI to MARPOL.

Justification

All forms of waste related to fishing should be defined in order to guarantee that unfair obligations are included, as such fish waste related to on-board operation.

Amendment 10

Proposal for a directive

Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ‘waste from fishing vessels’ means all waste which is generated during the service of a fishing vessel or during loading, unloading and cleaning operations, and falls directly and individually under the scope of Annexes I, II, IV, V and VI to MARPOL, but excluding fresh whole or non-fresh fish from fishing activities conducted during the voyage or aquaculture activities.

Justification

All forms of waste related to fishing should be defined in order to guarantee that unfair obligations are included, as such fish waste related to on-board operation.

Amendment 11

Proposal for a directive

Article 2 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) ‘waste passively collected’ means waste that is collected in nets during fishing operations.

Justification

All forms of waste related to fishing should be defined in order to guarantee that unfair obligations are included, as such fish waste related to on-board operation.

Amendment 12

Proposal for a directive

Article 2 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) ‘waste actively collected’ means waste that is collected during non-fishing trips with the sole purpose of removing marine litter from the sea;

Justification

All forms of waste related to fishing should be defined in order to guarantee that unfair obligations are included, as such fish waste related to on-board operation.

Amendment 13

Proposal for a directive

Article 2 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ‘fishing trip’ means any voyage of a fishing vessel during which fishing activities are conducted, starting at the moment when the fishing vessel leaves port and ending on arrival in the port of departure or another port where unloading is carried out;

Amendment 14

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) Member States shall establish extended producer responsibility schemes for fishing gear and fishing gear components that meet the minimum requirements as set out in Article 8a of Directive 2008/98/EC and include

modulated financial contributions that encourage the placing on the market of fishing gear designed to promote recycling;

Justification

Member States should adopt and implement mandatory extended producer responsibility (EPR) schemes at fishing ports in conformity with the minimum operating conditions as set out in the revised Waste Framework Directive, with an emphasis on modulated fees to encourage the design of gear to allow ease of recycling.

Amendment 15

Proposal for a directive

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Given the specific characteristics of the Outermost Regions, recognised in Article 349 TFEU, Member States shall be able to adopt specific funding measures so that they can ensure the availability of adequate reception facilities. In addition, it shall be possible to grant Member States a two year derogation on the obligations stated above for their Outermost Regions, if those regions are considered not to be able to ensure the adequacy of port reception facilities.

Amendment 16

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

This requirement shall not apply in ***small unmanned ports*** or in remotely located ports, provided that the Member State where such a port is located has reported this information electronically in the part

This requirement shall not apply in ***unmanned, small ports*** or in remotely located ports, provided that the Member State where such a port is located has reported this information electronically in

of the information, monitoring and enforcement system referred to in Article 14 of this Directive.

the part of the information, monitoring and enforcement system referred to in Article 14 of this Directive.

Justification

Whenever a ship is delivering its waste on non-working days or outside normal operating hours in small ports, these ports are likely to be understaffed and the ship may not get the waste delivery receipt.

Amendment 17

Proposal for a directive

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) If the lost fishing gear cannot be recovered, the ship’s captain shall enter information about it in the logbook. The competent authority of the flag Member State shall inform the competent authority of the coastal Member State.

Information on the lost fishing gear shall be collected and recorded by the Member States and transmitted annually to the Commission.

Justification

The draft report in the TRAN Committee, the Committee responsible, contains similar requirements but would include a delegation of authority to the Commission with regard to the reporting format. Adapting the requirements to the wording of Article 1 (42) of the proposal for a Regulation as regards fisheries controls (COM (2018) 368 final) thus avoids the creation of potentially divergent requirements.

Amendment 18

Proposal for a directive

Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. If the next port of call is located outside the Union, **or** there are good reasons to believe that adequate facilities are not

7. If the next port of call is located outside the Union, **and** there are good reasons to believe that adequate facilities are not

available in the next port of call, or this port is unknown, the Member State shall require the ship to deliver all its waste before departure.

available in the next port of call, or this port is unknown, the Member State shall require the ship to deliver all its waste before departure.

Justification

Let alone when ships still have sufficient storage capacity to continue operating without having the need to partially deliver the waste, but most importantly in light of Brexit, it is too strict to demand ships to deliver all waste to a European Union port before departure. For instance, the exemption would not be applicable to a fishing vessel leaving from France, landing the fish in an UK port and return. The same accounts for the Outermost Regions.

Amendment 19

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

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, ***shall be covered through the collection of a fee*** from ships. Those costs include the elements listed in Annex 4.

Amendment

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 by a combination of fees collected from ships, revenues from waste management schemes and other funds.*** Those costs and revenues are listed in Annex 4.

Amendment 20

Proposal for a directive Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) in order to provide for a maximum incentive for the delivery of waste as defined in Annex V to the MARPOL Convention, ***including the waste that has been collected in nets during fishing operations***, the indirect fee to be charged shall cover all the costs of port reception facilities for this waste, in order to ensure a right of delivery without any additional

Amendment

(c) in order to provide for a maximum incentive for the delivery of waste as defined in Annex V to the MARPOL Convention, ***the waste actively and passively collected by fishing vessels shall be exempt from the application of the direct fee regime provided for in this Directive.*** The indirect fee to be charged shall cover all the costs of port reception

direct charges;

facilities for this waste in order to ensure a right of delivery without any additional direct charges.

Further measures may be established and financed at national and regional level to reduce costs and to provide incentives for fishermen to actively and passively collect waste;

In order to avoid the costs of collection in port reception facilities and subsequent treatment of passively fished waste being borne by port users, Member States shall cover those costs entirely from the revenues generated by alternative income sources listed in Annex 4;

Amendment 21

Proposal for a directive Article 8 – paragraph 4

Text proposed by the Commission

4. The fees may be differentiated with respect to, inter alia, the category, type and size of the ship and the type of traffic the ship is engaged in, as well as with respect to services provided outside normal operating hours in the port.

Amendment

4. The fees may be differentiated with respect to, inter alia, the category, type and size of the ship, **'Green Ship' recognition** and the type of traffic the ship is engaged in, to **the different waste types and categories defined in Annex 3 and to the different types of reception depending on the type of the port**, as well as with respect to services provided outside normal operating hours in the port.

Amendment 22

Proposal for a directive Article 8 – paragraph 5

Text proposed by the Commission

5. The fees shall be reduced if the ship's design, equipment and operation are such that it can be demonstrated that the ship

Amendment

5. The fees shall be reduced if the ship's design, equipment and operation are such that it can be demonstrated that the ship

produces reduced quantities of waste, **and** manages its waste in a sustainable and environmentally sound manner. The Commission shall be empowered by means of delegated acts in accordance with Article 19, to define the criteria for determining that a ship meets the requirements stated in this paragraph in relation to the ship's on-board waste management.

produces reduced quantities of waste, **or** manages its waste in a sustainable and environmentally sound manner **through an on-board waste separation system in accordance with the management plans laid down by the national or regional authorities**. The Commission shall be empowered by means of delegated acts in accordance with Article 19, to define the criteria for determining that a ship meets the requirements stated in this paragraph in relation to the ship's on-board waste management.

Amendment 23

Proposal for a directive

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) the arrangement under point (b) is evidenced by a signed contract with a port or waste contractor, waste delivery receipts **and confirmation that the arrangement has been accepted by all ports on the ship's route**. The arrangement for delivery and payment of the fee shall be made in a port located in the Union in order to constitute sufficient evidence in accordance with this paragraph.

Amendment

(c) the arrangement under point (b) is evidenced by a signed contract with a port or waste contractor **and** waste delivery receipts. The arrangement for delivery and payment of the fee shall be made in a port located in the Union in order to constitute sufficient evidence in accordance with this paragraph.

Justification

The obligation that all ports on the ship's route must expressly 'accept and confirm that a vessel has decided to deliver its waste, according to a waste scheme, in a certain port, adds unnecessary red tape and work load to both fishing vessels and port authorities, not contributing to the achievement of the objectives set in this Directive.

Amendment 24

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Member States dispositions

1. Member States shall ensure that all ports providing reception for fishing vessels, with the exception of remote ports or those with only a small number of fishing vessels, establish fishing-for-litter initiatives to encourage the collection and measurement of passively fished waste from normal fishing activities.

2. Such schemes should be set up in accordance with the guidelines laid out in OSPAR Recommendation 2016/1 on the reduction of marine litter through the implementation of fishing for litter initiatives.

3. Member States may establish and maintain a national fund to support the collection of passively fished waste from fishing vessels. The fund can be used to ensure the functioning of fishing-for-litter initiatives, including the provision of dedicated on-board waste storage facilities, the monitoring of passively fished waste, education and promotion of voluntary participation in the initiative, costs of waste treatment and to cover the costs of personnel required for the functioning of such schemes.

4. Member States must ensure that data on the quantities of passively fished waste collected is collated and stored in a national or regional database for the purposes of monitoring and evaluation. Member States shall inform the Commission on the establishment of their national funds to the Commission by 31 December [two years after adoption], and shall submit biannual reports every two years thereafter on the activities funded under this Article.

Justification

Fishing for litter initiatives were first launched in 2002 in Sweden. Quantities of waste collected by such schemes can be substantial. The OSPAR Convention adopted guidelines on

how to develop a fishing for litter project (OSPAR Agreement 2017-08). Such schemes are voluntary but require significant engagement to ensure that vessel crew participate in the scheme. Fishing vessels must be provided with a large, sturdy bag to separately collect waste that has been passively fished, and once back at port the waste should be weighed and the data collected before disposal. Due to the monetary cost involved in the establishment and running of such schemes, it is possible that the 100% indirect fee for garbage delivery fees in ports could be increased substantially to cover these costs. As most of the passively fished waste would not have originated from fishing activities, there is an argument that fishing vessels should not be obliged to pay for it. Indeed if they were this would provide an incentive to not participate in such activities. A national fund would spread the costs for fishing for litter across all maritime users in that area.

Amendment 25

Proposal for a directive

Article 9 b (new)

Text proposed by the Commission

Amendment

Article 9b

Extended Producer Responsibility

Member States shall establish extended producer responsibility schemes for fishing gear and fishing gear components. In addition to the minimum requirements set out in Article 8a of Directive 2008/98/EC, those schemes shall include a modulated fee to encourage the placing on the market of fishing gear designed and prepared for re-use and recycling.

Justification

Member States should adopt and implement mandatory extended producer responsibility (EPR) schemes in conformity with the minimum requirements as set out in the revised Waste Framework Directive, with an emphasis on modulated fees to encourage the design of gear to allow ease of recycling.

Amendment 26

Proposal for a directive

Annex 4 – table – column 2 a (new)

Revenues

Proceeds that arise from extended producer responsibility (EPR) scheme and national/regional funding available, including the revenue elements listed below.

- Collection, transport and treatment for non-separately collected waste (waste covered by EPR but not entering the separate collection channel, e.g. waste collected together with mixed municipal waste);***
- Public information and awareness raising;***
- Waste prevention actions;***
- Litter prevention and management;***
- Enforcement and surveillance of the EPR system (including, auditing, measures against free riders, etc.);***
- Administration, communication, and data management and reporting relative to the operation of collective schemes;***
- Funding under the EMFF;***
- Other funding or subsidies available to ports for waste management and fisheries.***

Amendment 27

**Proposal for a directive
Annex 4– subheading 1**

Text proposed by the Commission

Amendment

Categories of costs ***for*** the operation and administration of PRF

Categories of costs ***and net revenues related to*** the operation and administration of PRF

Justification

It would be advisable also to specify the net revenues, since they should be used inter alia to cover the costs generated by passively fished waste.

Amendment 28

Proposal for a directive Annex 4 – table – column 2 b (new)

Text proposed by the Commission

Amendment

Net revenues

Net proceeds from waste management schemes and national/regional funding, including the revenue elements listed below.

- Net financial benefits provided by extended producer responsibility schemes.*
- Other net revenues from waste management such as recycling schemes.*
- Funding under the European Maritime and Fisheries Fund.*
- Other funding or subsidies available to ports for waste management and fisheries.*

Justification

It would be advisable also to specify the net revenues, since they should be used inter alia to cover the costs generated by passively fished waste.

Amendment 29

Proposal for a directive Annex 5 – paragraph 1

Text proposed by the Commission

Amendment

[insert name of the ship] [insert IMO number] [insert name of the Flag State] is in scheduled traffic with frequent and regular port calls at the following port(s) located in [insert name of the Member State] according to a schedule or predetermined route:

[insert name of the ship] [insert IMO number] [insert name of the Flag State] is in scheduled traffic **or fishing trips** with frequent and regular port calls at the following port(s) located in [insert name of the Member State] according to a schedule or predetermined route:

Justification

It is obvious that the Directive focuses mainly on maritime transport, however fishing and recreational vessels also engage in scheduled trips with frequent and regular port calls for which exemption should be made possible from the requirements on mandatory delivery of waste from ships, the advance notification of waste, and the payment of the mandatory fee at certain ports along the route.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Port reception facilities for the delivery of waste from ships
References	COM(2018)0033 – C8-0014/2018 – 2018/0012(COD)
Committee responsible Date announced in plenary	TRAN 5.2.2018
Opinion by Date announced in plenary	PECH 19.4.2018
Rapporteur Date appointed	Cláudia Monteiro de Aguiar 20.3.2018
Discussed in committee	21.3.2018 20.6.2018
Date adopted	11.7.2018
Result of final vote	+: 22 -: 1 0: 3
Members present for the final vote	Marco Affronte, Clara Eugenia Aguilera García, Alain Cadec, Richard Corbett, Linnéa Engström, João Ferreira, Sylvie Goddyn, Mike Hookem, Ian Hudghton, Werner Kuhn, António Marinho e Pinto, Norica Nicolai, Liadh Ní Riada, Ulrike Rodust, Annie Schreijer-Pierik, Remo Sernagiotto, Ricardo Serrão Santos, Isabelle Thomas, Ruža Tomašić, Peter van Dalen
Substitutes present for the final vote	Izaskun Bilbao Barandica, Giuseppe Ferrandino, Francisco José Millán Mon
Substitutes under Rule 200(2) present for the final vote	Deirdre Clune, Dieter-Lebrecht Koch, Fernando Ruas, Wim van de Camp

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ALDE	António Marinho e Pinto, Norica Nicolai
ECR	Peter van Dalen, Remo Sernagiotto, Ruža Tomašić
PPE	Alain Cadec, Wim van de Camp, Deirdre Clune, Dieter-Lebrecht Koch, Werner Kuhn, Francisco José Millán Mon, Fernando Ruas, Annie Schreijer-Pierik
S&D	Clara Eugenia Aguilera García, Nicola Caputo, Giuseppe Ferrandino, Ulrike Rodust, Ricardo Serrão Santos, Isabelle Thomas
VERTS/ALE	Marco Affronte, Linnéa Engström, Ian Hudghton

1	-
EFDD	Mike Hookem

3	0
ENF	Sylvie Goddyn
GUE/NGL	João Ferreira, Liadh Ní Riada

Key to symbols:

- + : in favour
- : against
- 0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Port reception facilities for the delivery of waste from ships	
References	COM(2018)0033 – C8-0014/2018 – 2018/0012(COD)	
Date submitted to Parliament	16.1.2018	
Committee responsible Date announced in plenary	TRAN 5.2.2018	
Committees asked for opinions Date announced in plenary	ENVI 5.2.2018	PECH 19.4.2018
Associated committees Date announced in plenary	ENVI 31.5.2018	
Rapporteurs Date appointed	Gesine Meissner 19.2.2018	
Discussed in committee	10.7.2018	
Date adopted	9.10.2018	
Result of final vote	+	46
	-	2
	0	0
Members present for the final vote	Daniela Aiuto, Marie-Christine Arnautu, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Tania González Peñas, Dieter-Lebrecht Koch, Merja Kyllönen, Innocenzo Leontini, Bogusław Liberadzki, Peter Lundgren, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Georg Mayer, Gesine Meissner, Renaud Muselier, Markus Pieper, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, Claudia Schmidt, Jill Seymour, Claudia Țapardel, Keith Taylor, Pavel Telička, Peter van Dalen, Wim van de Camp, Marie-Pierre Vieu, Elissavet Vozemberg-Vrionidi, Janusz Zemke, Kosma Złotowski	
Substitutes present for the final vote	Francisco Assis, Jakop Dalunde, Michael Detjen, Maria Grapini, Ryszard Antoni Legutko, Marek Plura	
Substitutes under Rule 200(2) present for the final vote	Angel Dzhambazki, John Howarth, Clare Moody	
Date tabled	15.10.2018	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

46	+
ALDE	Izaskun Bilbao Barandica, Gesine Meissner, Dominique Riquet, Pavel Telička
ECR	Angel Dzhambazki, Ryszard Antoni Legutko, Peter Lundgren, Kosma Złotowski, Peter van Dalen
EFDD	Daniela Aiuto
ENF	Marie-Christine Arnautu, Georg Mayer
GUE/NGL	Tania González Peñas, Merja Kyllönen, Marie-Pierre Vieu
PPE	Georges Bach, Deirdre Clune, Andor Deli, Dieter-Lebrecht Koch, Innocenzo Leontini, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Renaud Muselier, Markus Pieper, Marek Plura, Massimiliano Salini, Claudia Schmidt, Elissavet Vozemberg-Vrionidi, Luis de Grandes Pascual, Wim van de Camp
S&D	Francisco Assis, Inés Ayala Sender, Isabella De Monte, Michael Detjen, Ismail Ertug, Maria Grapini, John Howarth, Bogusław Liberadzki, Clare Moody, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Claudia Țapardel, Janusz Zemke
VERTS/ALE	Michael Cramer, Jakop Dalunde, Keith Taylor

2	-
ECR	Jacqueline Foster
EFDD	Jill Seymour

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention