



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Director General

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Mr Niels Wichmann
NSAC Chairman
Office 17, Aberdeen Business
Centre
Willowbank Road
Aberdeen, AB116YG Scotland
The United Kingdom

Subject: Port reception facilities

Your reference: Your letter of 22 September 2018

Dear Mr Wichmann,

Thank you for the above-mentioned letter setting out the position of NSAC on the Commission proposal for a new *Directive on Port Reception Facilities for the Delivery of Waste from Ships* ('PRF proposal').

I welcome the support expressed in your letter, recognising the role of the proposed PRF Directive in addressing the problem of marine litter. At the same time, you have formulated a number of concerns, in particular with regard to the position of fishing vessels and fishing ports in the proposal. In this context, please allow me to make the following observations:

- The proposed Directive covers all type of ships, including fishing vessels and recreational craft, and all the EU ports visited by those vessels.
- '**Waste from ships**' has been defined in the proposal as '*all waste generated during the service of the ship or during loading unloading and cleaning operations, and which falls under the relevant MARPOL Annexes (I, II, IV, V and VI)*'. In addition to garbage waste as covered by MARPOL Annex V, this also includes other waste streams, such as oily waste and sewage.
- The proposal – on the one side – requires delivery of all waste before departure from an EU port (in accordance with MARPOL discharge norms), and – on the other side – adequate port reception facilities to be made available in those ports to collect and manage the different waste types delivered.

- As such, the proposal has a very wide scope and coverage. However, as it concerns an EU **Directive**, it sets out the general requirements, but allows flexibility to Member States in terms of implementing the rules in their national systems.
- This is also reflected in the proposed fee system in article 8: whereas calculation of the ‘significant contribution’ in relation to the **indirect fee**¹ has been further harmonised for the different waste types (minimum 30% of the costs), Member States can still design the system according to the national and regional specificities. In addition, ports are free to set the level of the fee and differentiate the fee with respect to category, type and size of the vessel.
- However, when it comes to **MARPOL Annex V waste** from ships (*including household waste, hazardous waste and old/derelict fishing gear*), the Commission is of the opinion that the approach has to be more ambitious, given the particularly harmful effects of marine litter on the aquatic environment. For that reason, the proposal provides for **100% indirect fee** for this type of waste, and aims at maximum delivery of garbage waste to ports.
- With the inclusion of **passively fished waste** in the proposed 100% indirect fee, the Commission intended to also give this ‘**right of delivery**’ to fishermen for the waste that is collected in nets during fishing operations. Payment of the general ‘waste fee’ (to cover costs related to the other types of waste from ships, such as oily waste, sewage and garbage) would entitle fishing vessels to *also* deliver any amount of waste that is collected in their nets during fishing operations *without having to pay any additional* fees based on volumes delivered.
- The proposal has taken a proportionate approach with regard to **small vessels (mainly fishing and recreational craft) and small ports**. It provides for exemptions from reporting and puts in place thresholds for enforcement: small unmanned ports and remotely located ports are not required to issue a waste receipt after delivery (article 7(2)), and mandatory inspection targets outside Port State Control shall only apply to *vessels over 100GT* (domestic, fishing and recreational craft: article 12(1)).
- Revenues from other **waste management systems and funds**, such as fishing for litter schemes, recycling and extended producer responsibility (EPR) schemes, should be used to offset any potential increase of the indirect fee. As such, voluntary bottom-up systems also fit in the framework of the newly proposed Directive, and may complement the proposed fee system in article 8.

The Commission will keep your concerns in mind during the next phase of negotiating the proposal with the European Parliament and the Council. Please note that Commissioner Bulc leads the negotiations on this matter.

If in the meantime, you would like to discuss the comments in this letter or the issue of passively fished waste in the context of the PRF proposal, please contact directly the

¹ The indirect fee, is the fee (or part of the fee) which has to be paid *irrespective of delivery*. The indirect fee is already a fundamental part of the fee systems in the current PRF Directive (Directive 2000/59/EC). With the indirect fee, the Directive aims to provide a financial incentive for ships to deliver their waste and discourage any discharges of this waste at sea in order to avoid the payment of charges based on volumes delivered.

policy officer in DG MOVE, who is responsible for the file (Ms. Anna Bobo Remijn; tel: +32 2 2951429; anna.bobo-remijn@ec.europa.eu).

Yours Sincerely,

João AGUIAR MACHADO

C.c.: Mr. Hololei (Director General DG MOVE); Ms Kopczynska (Director MOVE-D), Bobo Remijn (DG MOVE) Veits, Roller, Strachinescu, Vaigauskaite, Colson, de Diego de la Vega, Petrikovicova
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