

Proposal for a revision of the Port Reception Facilities Directive

The European Community Shipowners' Associations (ECSA) is very pleased with the proposal for the revision of the Port Reception Facilities Directive 2000/59/EC. Possibilities to improve the current practice have been taken into account. ECSA has a number of concerns, which will be dealt with after listing major improvements to the current practice.

Improvements of the current practice introduced by the proposal

Overall, ECSA welcomes the proposed changes to the current Directive and especially those relating to:

- **alignment with IMO MARPOL waste definitions**, Art. 2 sub c. The REFIT evaluation made it clear that due to differences between the EU Directive and the MARPOL convention the EU Directive was less effective.
- **the capacity ports should be able to offer** to ships that want to deliver waste, Art. 4 paragraph 2.a. The way it is now formulated entails a stronger obligation for Member States to make sure that ports shall provide facilities, based on normal and average port calls;
- **exceptions to the obligation to deliver waste** in case of sufficient dedicated storage capacity is available for the ship to proceed to the next port of call, Art. 7

paragraph 5. The exception already included in the current directive will be defined by implementing acts in order to stimulate the use of this exception in practice, Art. 7 paragraph 6;

- **the introduction of an indirect fee system** for MARPOL Annex V waste, including plastics;
- **improved enforcement** as stipulated in Articles 10 up and till 16 excluding art.14;
- **electronic reporting** as laid down in Article 14.

Concerns of ECSA with some elements of the proposal

1. Position of short sea shipping

The first remark relates to the position of short sea shipping, especially short sea vessels that are on the tramp market, so not sailing on fixed routes according to a published schedule and/or calling regular and frequently at the same ports. These vessels will not qualify for the exemption of Art. 9, as this article only sees to vessels sailing on fixed routes with regular port calls at the same ports.

The exception already existing in the current directive – in case a vessel has sufficient dedicated storage capacity to sail to the next port of call - does in practice not work, as it is unclear what sufficient storage capacity is. The announcement in Art. 7 paragraph 6 that by implementing acts the Commission will define methods to calculate the sufficiency requirement is certainly useful and supported.

ECSCA is a trade association representing the national shipowners' associations of the EU and Norway. The European shipowners control 40% of the global commercial fleet. ECSCA promotes the interests of European shipping so that the industry can best serve European and international trade in a competitive free business environment to the benefit of shippers and consumers.

However, the exception of Art. 7 only sees to the obligation to deliver waste, not to the obligation to send in an advanced waste notification. Even more so, a vessel that makes use of the exception, is still obliged to pay a fee (the indirect fee). The height of the fee depends on the way the port authority implements the fee stipulations of the directive and can be high.

This means that for short sea shipping the exception possibility still brings little relaxation. Even if no waste has to be delivered, a fee has to be paid.

Referring to the specific short sea shipping statements in the Athens declaration and the Valletta declaration **ECSA asks for an improvement of the position of short sea shipping vessels on the spot market.**

2. Proposed fee system

The proposed fee system is apparently based on the way ports in the Baltic nowadays calculate and charge fees for the delivery of waste, which in principle is supported by ECSA as a good system. However, the proposed fee system does not deal with profit margins, as that would fall under the Ports Services Directive. **ECSA considers it of great importance that the proposed fee system gives the right incentives to all stakeholders and that profit margins are not excessive.**

Also some guidance on the possibility to differentiate fees – that ECSA in principle can support - **might be useful.** This would also contribute to improve the position of short sea shipping.

3. Concept of Green Ship

The third remark is about the introduction of the concept of a 'green ship' that should be treated preferentially by ports, by given it a reduction of the fee to be paid. While not opposing this concept as such, the European Commission proposes **to define this 'green ship' concept by means of a delegating act. To this ECSA has a fundamental objection,** it is not up to Europe to define the concept of a 'green ship'. **This is the prerogative of IMO.**

4. Smaller ports

The fourth remark deals with smaller ports that especially outside 'normal' ports operation hours may need time to issue a waste receipt. Without a waste receipt a ship may not leave the port. Waiting for this document can be a high and unnecessary cost. The proposal already contains a provision for unmanned or remotely located ports, Art. 7 sub 2. If this applies **the vessels may leave without a waste receipt,** provided the Member State made an electronic reporting in conformity with Art. 14. **ECSA proposes to have this possibility also in place for smaller ports, the exact definition to be discussed.**

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