

## Marine Notice No. 05 of 2018

*Notice to all Shipowners, Port Authorities, Marine Operators, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishers, Yachtsmen and Seafarers*

### Proposal for a Directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships

The Department of Transport, Tourism and Sport would like to advise that the European Commission have on the 16<sup>th</sup> January 2018 released their 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 (the current Port Reception Facilities Directive) and making consequential amendments to Directive 2009/16/EC (the Port State Control Directive) and Directive 2010/65/EU (the Reporting Formalities Directive).

This Directive only concerns “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” (the International Maritime Organization’s International Convention for the Prevention of Pollution from Ships).

The proposal seeks to replace the current Directive 2000/59/EC. For some background information on the Directive and the reasons for the revision, please see link below [https://ec.europa.eu/transport/modes/maritime/news/2018-01-16-plastic-waste\\_en](https://ec.europa.eu/transport/modes/maritime/news/2018-01-16-plastic-waste_en)

Note that of course this is a proposal and will be subject to change during the negotiation process, the current Directive remains in force as does the Irish transposition in S.I. 117/2003 (as amended).

Our initial assessment of the main changes/new provisions are:

- Alignment with the International Maritime Organization MARPOL Convention has taken place generally, Annex VI waste (scrubbers) is now included, see definitions in Art. 2; waste that may be disposed at sea in accordance with MARPOL need not be delivered to ports; cargo residues are considered waste
- Segregated waste to be collected in ports as per Waste Framework Directive (although note is taken of the Animal By-products Regulation) see Art. 4
- There are no major changes to the format and content required in waste reception and handling plans though further elaboration is provided on the extent of consultation with port users required. There is further elaboration also as to what kind of developments should see a reapproval of the plan, which include new on-board treatment techniques, see Art. 5

- Under the proposal, fishing and recreational vessels over 45m would be required to submit Advance Notification Forms for Waste Delivery (see Annex of proposal for model form), see Art. 6
- Waste operator or port authority to provide waste receipt (see Annex for model form), the European Commission to develop a method of calculating “sufficient storage” which can allow a ship to continue to the next port without discharging (but only if this port in the EU), see Art 7; given the scheduled departure of the UK from the EU this article could have far reaching implications for some Irish ports (see also Art. 9.1(c) in this respect).
- Cost Recovery System changes: the recommendation that 30% of the cost of providing waste facilities be recovered in an **indirect fee** has been made mandatory; however the **full** cost of providing facilities for garbage is to be recovered by indirect fees (designed to incentivise the delivery of all garbage at least); garbage now includes waste recovered by fishing nets; some fishing and recreation vessels subject to fees (20% target for inspection of domestic/fishing/recreational vessels over 100 GT), scrubber waste fees however are fully based on quantity, see our summary table and Art. 8. Furthermore the option to reduce fees for “green” ships has become mandatory and European Commission will develop criteria for this.
- Throughout there are more requirements for, especially online, reporting.

Given this directive is a revision, an overall timeframe of 18 months is a reasonable expectation, followed by a period (to be negotiated), before it becomes law in Ireland.

Negotiations on the detail of this proposal will begin in the next couple of weeks. Hence we need to hear your initial views as soon as possible, preferably by 12<sup>th</sup> February 2018. Please do so by emailing [shipsourcepollutionprevention@dtas.ie](mailto:shipsourcepollutionprevention@dtas.ie), however we will be happy to hear your views throughout the process. If you would prefer to give your feedback directly to the Commission you can do so at the link below up until the 16th March 2018 [http://ec.europa.eu/info/law/better-regulation/initiatives/com-2018-33\\_en](http://ec.europa.eu/info/law/better-regulation/initiatives/com-2018-33_en)

Please note that, in line with established practice for public consultation and subject to considerations of confidentiality, submissions are subject to Freedom of Information legislation.

The proposal and its annexes and other documents can be found at the bottom of the following webpage:

[http://eur-lex.europa.eu/procedure/EN/2018\\_12?qid=1516096129721&rid=7](http://eur-lex.europa.eu/procedure/EN/2018_12?qid=1516096129721&rid=7)

ST 5454 2018 ADD 1	The annexes to the Proposal (part and parcel of the proposal)
ST 5454 2018 ADD 2	Pt 1 of Impact Assessment
ST 5454 2018 ADD 3	Pt 2 of Impact Assessment
ST 5454 2018 ADD 4	Executive Summary of the Impact Assessment
ST 5454 2018 INIT	The Proposal

Below is a rough side by side comparison of the new PRF proposal and the current Directive for your convenience.

Irish Maritime Administration,  
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**(Encl. Comparison of the new PRF proposal and the current Directive)**

29/01/2018

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**Comparison of the new Proposal for a Directive on Port Reception Facilities (column 1) with the current Directive (column 2).**

This document is a working document done by DTTAS staff to aid analysis and may contain errors. The comments in column three are merely intended to draw attention to changes and do not intend to evaluate those changes.

<p><b>PROPOSAL</b> Text in square brackets are comments or clarifications and not part of proposal text; bold/underline is ours for emphasis</p>	<p><b>CURRENT DIRECTIVE (consolidated version)</b> Text in square brackets are comments or clarifications and not part of proposal text; bold/underline is ours for emphasis  We have “lined up” the proposal with the current text as far as possible however there is significant divergence from Art. 10/11 on. On a few occasions for ease of reference we repeat an article in column 2, these we place in inverted commas.</p>	<p><b>CHANGES/COMMENTS</b> These comments “line up” with column 1</p>
<p><b>SECTION 1: GENERAL PROVISIONS</b> <b>Article 1</b> <b>Subject matter</b> 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.</p>	<p><b>Article 1</b> <b>Purpose</b> The purpose of this Directive is to reduce the discharges of ship-generated waste and cargo residues into the sea, especially illegal discharges, from ships using ports in the Community, by improving the availability and use of port reception facilities for ship-generated waste and cargo residues, thereby enhancing the protection of the marine environment.</p>	<p><i>Reworded to be more general and newly mentions “operation of maritime traffic”.</i></p>
<p><b>Article 2</b> <b>Definitions</b> (a) ‘ship’ means a seagoing vessel of any type operating in the marine environment, including fishing vessels and recreational craft not engaged in trade, hydrofoil boats, air-cushion vehicles, submersibles and floating craft;</p>	<p><b>Article 2</b> <b>Definitions</b> (a) ‘ship’ shall mean a seagoing vessel of any type whatsoever operating in the marine environment and shall include hydrofoil boats, air-cushion vehicles, submersibles and floating craft;</p>	<p><i>same</i></p>
<p>(b) ‘MARPOL Convention’ means the International Convention for the Prevention of Pollution from Ships, in its up-to-date version;</p>	<p>(b) ‘Marpol 73/78’ shall mean the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto,</p>	<p><i>reworded, same</i></p>

(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) 'ship-generated waste' shall mean all waste, including sewage, and residues other than cargo residues, which are generated during the service of a ship and fall under the scope of Annexes I, IV and V to Marpol 73/78 and cargo-associated waste as defined in the Guidelines for the implementation of Annex V to Marpol 73/78;	<i>adds waste collected in nets during fishing operations and also Annex VI waste</i>
(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' shall mean the remnants of any cargo material on board in cargo holds or tanks which remain after unloading procedures and cleaning operations are completed and shall include loading/unloading excesses and spillage;	<i>Similar, more detail</i>
(e) 'port reception facilities' means any facility, which is fixed, floating or mobile and capable of receiving the waste from ships;	(e) 'port reception facilities' shall mean any facility, which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues;	<i>Similar</i>
(f) 'fishing vessel' means any ship equipped or used commercially for catching fish or other living resources <b>from</b> the sea;	(f) 'fishing vessel' shall mean any ship equipped or used commercially for catching fish or other living resources <b>of</b> the sea;	<i>Proposal has living resources "from" the sea rather than "of" the sea</i>
(g) 'recreational craft' means a ship of any type, <u>with a hull length of 2.5 metres [8.2 feet]and beyond,</u> regardless of the means of propulsion, intended for sports or leisure purposes, <u>and not engaged in trade;</u>	(g) 'recreational craft' shall mean a ship of any type, regardless of the means of propulsion, intended for sports or leisure purposes;	<i>underlined text added</i>
(h) 'domestic vessel' means a ship flying the flag of a Member State solely engaged in domestic voyages in that State;		<i>new definition (def)</i>
(i) 'domestic voyage' means a voyage in sea areas from a port of a Member State to the same or another port within that Member State;		<i>new def</i>
(j) 'port' means a place or a geographical area made up of such improvement works and equipment as to permit the reception of ships, <u>including the anchorage area within the jurisdiction of the port;</u>	(h) 'port' shall mean a place or a geographical area made up of such improvement works and equipment as to permit, <b>principally</b> , the reception of ships, including fishing vessels and recreational craft.	<i>underlined text added; word "principally" deleted, anchorage added</i>

(k) 'catering waste' means all waste food, including used cooking oil originating in restaurants, catering facilities and kitchens';		<i>new def</i>
(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;		<i>new def</i>
(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;		<i>new def</i>
(n) 'regular port calls' means repeated journeys of the same ship forming a constant pattern between identified ports or a series of voyages from and to the same port without intermediate calls;		<i>new def</i>
(o) 'frequent port calls' means visits by a ship to the same port taking place at least once a fortnight;		<i>new def</i>
(p) 'GISIS' means the Global Integrated Ship Information System set up by the International Maritime Organisation.		<i>new def</i>
'Waste from ships', as defined in points (c) and (d) shall be considered to be waste within the meaning of Article 3(1) of Directive 2008/98/EC27. [i.e. the Waste Framework Directive]	Without prejudice to the definitions in points (c) and (d), 'ship-generated waste' and 'cargo residues' shall be considered to be waste within the meaning of Article 1(a) of Council Directive 75/442/EEC [codified version of which was repealed by Waste Framework Directive] of 15 July 1975 on waste.	
<p style="text-align: center;"><b>Article 3 Scope</b></p> <p>This Directive shall apply to:</p> <p>(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;</p>	<p style="text-align: center;"><b>Article 3 Scope</b></p> <p>This Directive shall apply to:</p> <p>(a) all ships, including fishing vessels and recreational craft, 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 government non-commercial service; and</p>	<i>Small deletion</i>

<p>(b) all ports of the Member States normally visited by ships falling under the scope of point (a).</p>	<p>(b) all ports of the Member States normally visited by ships falling under the scope of point (a).</p>	<p><i>Same</i></p>
<p>Member States shall take measures to ensure that, <b>where possible</b>, ships, which do not fall within the scope of this Directive, deliver their waste in a manner consistent with this Directive.</p>	<p>Member States shall take measures to ensure that ships which are excluded from the scope of this Directive under point (a) of the preceding paragraph deliver their ship-generated waste and cargo residues in a manner consistent, <b>in so far as is reasonable and practicable</b>, with this Directive.</p>	<p><i>Reworded to be more strict, currently instead of “where possible” it reads “in so far as is reasonable and practicable”.</i></p>
<p><b>SECTION 2: PROVISION OF ADEQUATE PORT RECEPTION FACILITIES</b>  <b>Article 4</b>  <b>Port reception facilities</b>  1. Member States shall ensure the availability of port reception facilities adequate to meet the need of the ships normally using the port without causing undue delay to ships.</p>	<p><b>Article 4</b>  <b>Port reception facilities</b>  1. Member States shall ensure the availability of port reception facilities adequate to meet the needs of the ships normally using the port without causing undue delay to ships.</p>	<p><i>same</i></p>
<p>2. Member States shall ensure that:  (a) The port reception facilities have the <b>capacity to receive</b> the types and quantities of waste from ships normally using that port, taking into account the operational needs of the users of the port, the size and geographical location of the port, the type of ships calling at that port, and the exemptions provided for under Article 9;</p>	<p>2. To achieve adequacy, the reception facilities shall be <b>capable of receiving</b> the types and quantities of ship-generated waste and cargo residues from ships normally using that port, taking into account the operational needs of the users of the port, the size and the geographical location of the port, the type of ships calling at that port and the exemptions provided for under Article 9.</p>	<p><i>Now more clearly the responsibility of MS. Currently it is worded “capable of receiving” whereas proposal has “capacity to receive”</i></p>
<p>(b) The formalities relating to the use of the facilities are simple and expeditious to avoid undue delays to ships, and the fees charged for delivery do not create a disincentive for ships to use the port reception facilities;</p>	<p>[compare (cf) Art. 12.1(e) “[Member States shall] (e) ensure that the formalities relating to the use of port reception facilities are simple and expeditious in order to create an incentive for the master to use port reception facilities and to avoid undue delays to ships;”]</p>	<p><i>Similar</i></p>

<p>(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. <b>To this end, the Member States shall provide for separate collection of waste from ships in ports as required in Union waste legislation</b>, in particular Directive 2008/98/EC [Waste Framework Directive], Directive 2012/19/EU [WEEE Directive] and Directive 2006/66/EC [Batteries Directive].</p>	<p>[cf 12.1 (g) ensure that the treatment, recovery or disposal of ship-generated waste and cargo residues shall be carried out in accordance with Directive 75/442/EEC and other relevant Community waste legislation, in particular Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils ( 1 ) and Council Directive 91/689/EEC of 12 December 1991 on hazardous waste ( 2 )]</p>	<p><i>Reference to the Waste Framework Directive</i></p>
<p>Point (c) shall apply without prejudice to the more stringent requirements imposed by Regulation (EC) 1069/2009 [Animal By-Products Regulation] for the management of catering waste from international transport.</p>		<p><i>New, reference to Animal By-Products Reg.</i></p>
<p>3. Member States shall use the forms and procedures laid down by IMO, for reporting to the authorities of the port state alleged inadequacies of port reception facilities.</p>	<p>3. Member States shall establish procedures, in accordance with those agreed by the International Maritime Organization (IMO), for reporting to the port State alleged inadequacies of port reception facilities.</p>	<p><i>Change from using procedures "in accordance" with IMO to those "laid down" by IMO.</i></p>
<p>Any information received through this reporting procedure shall also be transmitted electronically to the part of the information, monitoring and enforcement system referred to in article 14 of this Directive.</p>	<p>[cf 12.1 (f) [Member States shall] ensure that the Commission is provided with a copy of the allegations of inadequate port reception facilities referred to in Article 4(3)]</p>	<p><i>New online reporting requirement via Safe Sea Net (SSN), though the reporting requirement is already there in 12.1 (f) of current Directive.</i></p>
<p>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.</p>	<p>[cf 12.1 (h) ensure in accordance with their national legislation that any party involved in the delivery or reception of ship-generated waste or cargo residues can claim compensation for damage caused by undue delay.]</p>	<p><i>New requirement on MS to investigate alleged inadequacies</i></p>

<p style="text-align: center;"><b>Article 5</b></p> <p style="text-align: center;"><b>Waste reception and handling plans</b></p> <p>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.</p>	<p style="text-align: center;"><b>Article 5</b></p> <p style="text-align: center;"><b>Waste reception and handling plans</b></p> <p>1. An appropriate waste reception and handling plan shall be developed and implemented for each port following consultations with the relevant parties, in particular with port users or their representatives, having regard to the requirements of Articles 4, 6, 7, 10 and 12. Detailed requirements for the development of such plans are set out in Annex I.</p>	<p><i>The proposal further elaborates on consultation required, specifically that it should occur during initial drafting and on an ongoing basis, particularly after significant change.</i></p> <p><i>Annex 1 in the proposal has no significant changes to the first part of current annex 1 save some updated language.</i></p>
<p>2. 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:</p> <p>(a) location of port reception facilities applicable to each berth;</p> <p>(b) list of waste from ships normally managed by the port;</p> <p>(c) list of contact points, the operators and the services offered; (d) description of the procedures for delivery of the waste;</p> <p>(e) description of the cost recovery systems; and</p> <p>(f) description of the procedures for reporting alleged inadequacies of port reception facilities.</p>		<p><i>This list of information which is to be made available publicly has been moved from the second part of Annex 1 of the current directive into the body of the directive in the proposal (however the “brief reference to the fundamental importance of proper delivery etc” has been left off). The proposal further stipulates how this information is to be transmitted and seems to require that an “extract” from the plan is “pushed” out to ship operators. Currently it is merely “to be made available to all port users”.</i></p>
<p>This information shall also be electronically reported in the part of the information, monitoring and enforcement system referred to in Article 14 of this Directive, in accordance with Directive 2002/59/EC.</p>		<p><i>Stipulates the info above should be on the ports website and on SSN.</i></p>

<p>3. The waste reception and handling plans referred to in paragraph 1 may, where required for reasons of efficiency, be developed <b>in conjunction by two or more neighbouring ports in the same region</b>, with the appropriate involvement of each port, provided that the need for and availability of, reception facilities are specified for each port.</p>	<p>2. The waste reception and handling plans referred to in paragraph 1 may, where required for reasons of efficiency, be developed <b>in a regional context</b> with the appropriate involvement of each port, provided that the need for, and availability of, reception facilities are specified for each individual port.</p>	<p><i>See changes in bold text</i></p>
<p>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. <u>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.</u></p>	<p>3. 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 and after significant changes in the operation of the port.</p>	<p><i>Very similar wording save the proposal (see underlined text) gives some detail as to what kind of changes might require a new plan approval including “new on-board treatment techniques”</i></p>
<p style="text-align: center;"><b>SECTION 3</b> <b>DELIVERY OF WASTE FROM SHIPS</b> <b>Article 6</b> <b>Advance waste notification</b></p> <p>1. The operator, agent or master of a ship falling within the scope of Directive 2002/59/EC [VTM Directive] of the European Parliament and of the Council, other than a fishing vessel or a recreational craft of less than 45 metres bound for a port located in the EU shall complete accurately the form in Annex 2 [the advance waste notification form] and notify that information to the authority or body designated for this purpose by the Member State in which that port is located:</p>	<p style="text-align: center;"><b>Article 6</b> <b>Notification</b></p> <p>1. The master of a ship, other than a fishing vessel or recreational craft authorised to carry no more than 12 passengers, bound for a port located in the Community shall complete truly and accurately the form in Annex II and notify that information to the authority or body designated for this purpose by the Member State in which that port is located:</p>	<p><i>Expands who must submit the notification. Scope of VTM is ships of 300GT and up and fishing/traditional/recreational craft over 45m.</i></p>
<p>(a) at least 24 hours prior to arrival, if the port of call is known;</p>	<p>(a) at least 24 hours prior to arrival, if the port of call is known; or</p>	<p><i>Same (the word “or” is left out however)</i></p>
<p>(b) as soon as the port of call is known, if this information is available less than 24 hours prior to arrival;</p>	<p>(b) as soon as the port of call is known, if this information is available less than 24 hours prior to arrival; or</p>	<p><i>Same</i></p>
<p>(c) at the latest upon departure from the previous</p>	<p>(c) at the latest upon departure from the previous</p>	<p><i>Same</i></p>

port, if the duration of the voyage is less than 24 hours.	port, if the duration of the voyage is less than 24 hours.	
	Member States may decide that the information will be notified to the operator of the port reception facility, who will forward it to the relevant authority.	<i>This option removed.</i>
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.		<i>The advance notification should be made via SSN</i>
3. The information referred to in paragraph 1 shall be kept on board at least until the next port of call and shall be made available upon request to the relevant Member States' authorities.	2. The information referred to in paragraph 1 shall be kept on board at least until the next port of call and shall upon request be made available to the Member States' authorities.	<i>Same</i>
4. Member States shall ensure that the information that is notified pursuant to this Article is appropriately examined and shared with the relevant enforcement authorities without delay.	[Compare to Accompanying Measure 12.1(d) below: [Member States shall] "(d) ensure that the information notified by masters in accordance with Article 6 be appropriately examined;"	<i>This is currently required under 12.1(d), element of sharing with enforcement officers is new.</i>
<b>Article 7</b> <b>Delivery of waste from ships</b>	<b>Article 7</b> <b>Delivery of ship-generated waste</b>	
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 <u>in accordance with the relevant discharge norms laid down in the MARPOL Convention.</u>	1. The master of a ship calling at a Community port shall, before leaving the port, deliver all ship-generated waste to a port reception facility.	<i>Same save for new reference to MARPOL norms.</i>
2. 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.		<i>New requirement to provide waste delivery receipts.</i>
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 of the information, monitoring and enforcement system referred to in Article 14 of this Directive.		

<p>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.</p>		
<p>4. The information referred to in paragraph 2 shall be kept on board for at least two years and shall be made available upon request to the Member States' authorities.</p>		
<p>5. Without prejudice to paragraph 1, a ship may proceed to the next port of call without delivering the waste, if:</p>	<p>2. Notwithstanding paragraph 1, a ship may proceed to the next port of call without delivering the ship-generated waste, if it follows from the information given in accordance with Article 6 and Annex II, that there is sufficient dedicated storage capacity for all ship-generated waste that has been accumulated and will be accumulated during the intended voyage of the ship until the port of delivery.</p>	
<p>(a) the ship only calls at anchorage for less than 24 hours or under adverse weather conditions;</p>		<p><i>Ref to calling at anchorage for 24 hours or less or in adverse weather</i></p>
<p>(b) the information provided in accordance with Annexes 2 and 3 shows that there is sufficient dedicated storage capacity for all waste that has been accumulated and will be accumulated during the intended voyage of the ship until the next port of call.</p>		<p><i>Calculation of sufficient storage to be based on advance notification and waste receipt</i></p>
<p>6. In order to ensure uniform conditions for the implementation of the exception based on sufficient dedicated storage capacity, implementing powers shall be conferred on the Commission to define the methods to be used for the calculation of the sufficient dedicated storage capacity on board. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).</p>		<p><i>European Commission to develop the method for calculating sufficient storage.</i></p>

<p>7. <b>If the next port of call is located outside the Union, or</b> there are good reasons to believe that adequate facilities are not available in the next port of call, or this port is unknown, the <b>Member State shall require the ship to deliver all its waste</b> before departure.</p>	<p>If there are good reasons to believe that adequate facilities are not available at the intended port of delivery, or if this port is unknown, and that there is therefore a risk that the waste will be discharged at sea, <b>the Member State shall take all necessary measures to prevent marine pollution, if necessary by requiring the ship to deliver its waste</b> before departure from the port.</p>	<p><i>See changes in bold text.</i></p>
<p>8. Paragraph 2 shall apply without prejudice to more stringent requirements for ships adopted in accordance with international law.</p>	<p>3. Paragraph 2 shall apply without prejudice to more stringent delivery requirements for ships adopted in accordance with international law.</p>	<p><i>Same</i></p>
<p style="text-align: center;"><b>Article 8</b> <b>Cost recovery systems</b></p> <p>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.</p>	<p style="text-align: center;"><b>Article 8</b> <b>Fees for ship-generated waste</b></p> <p>1. Member States shall ensure that the costs of port reception facilities for ship-generated waste, including the treatment and disposal of the waste, shall be covered through the collection of a fee from ships.</p>	<p><i>Core idea same.</i></p>
<p>2. The cost recovery systems shall provide no incentive for ships to discharge their waste <b>at</b> sea. To this end, the Member States shall apply the following principles in the design and operation of the cost recovery systems in ports:</p>	<p>2. The cost recovery systems for using port reception facilities shall provide no incentive for ships to discharge their waste <b>into the</b> sea. To this end the following principles shall apply to ships other than fishing vessels and recreational craft authorised to carry no more than 12 passengers:</p>	<p><i>Change from “into the sea” to “at sea”. A more specific ref. here to MS being responsible.</i></p>
<p>(a) part of the fee to be paid by ships shall be an indirect fee, to be paid irrespective of delivery of waste to a port reception facility;</p>	<p>(a) all ships calling at a port of a Member State shall contribute significantly to the costs referred to in paragraph 1, irrespective of actual use of the facilities. Arrangements to this effect may include incorporation of the fee in the port dues or a separate standard waste fee. The fees may be differentiated with respect to, inter alia, the category, type and size of the ship;</p>	<p><i>Indirect fee paid irrespective of delivery</i></p>
<p>(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</p>		<p><i>Indirect fee to cover indirect costs as laid out in annex 4. The European Commission recommendation that “significantly” should mean 30% made compulsory here.</i></p>

for actual delivery of the waste;		
(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;		<i>Indirect fees to cover full cost of PRF for Annex V waste including waste collected in nets.</i>
(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.		<i>Indirect fee will <u>not</u> include costs of PRF for scrubber waste.</i>
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.	(b) the part of the costs which is not covered by the fee referred to in subparagraph (a), if any, shall be covered on the basis of the types and quantities of ship-generated waste actually delivered by the ship;	<i>Same, the remaining fee will be based on type and quantity delivered.</i>  <i>Rough table summarising proposed fee regime:</i>

		<i>Fees</i>				
		<i>Total Annual Direct Costs</i>			<i>Total Annual Indirect Costs</i>	
		<i>Annex V Garbage</i>	<i>Annex VI Scrubber waste</i>	<i>Annex I, II, IV All other waste</i>		
		<i>Part cover by indirect fees</i>	100%	0%	30%	100%
		<i>Part covered by fees based on type and quantities delivered</i>	0%	100%	70%	0%
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.	Cf Art. 8.2(a) above, last sentence “The fees may be differentiated with respect to, inter alia, the category, type and size of the ship;”	<i>New reference to type of traffic and out of hours service</i>				
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.	(c) fees may be reduced if the ship's environmental management, design, equipment and operation are such that the master of the ship can demonstrate that it produces reduced quantities of ship-generated waste.	<i>Reduced fees (direct or indirect not specified) now <b>mandatory</b> for environmentally friendly ships. European Commission to develop criteria for this.</i>				

<p>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.</p>	<p>3. In order to ensure that the fees are fair, transparent, non-discriminatory and 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 should be made clear for the port users.</p>	<p><i>Small changes.</i></p>
	<p>4. The Commission shall, within three years of the date referred to in Article 16(1), submit a report to the European Parliament and to the Council, evaluating the impact of the variety of cost recovery systems adopted in accordance with paragraph 2 on the marine environment and waste flow patterns. This report shall be drawn up in liaison with the competent authorities of the Member States and representatives of ports.</p>	<p><i>Removed. The new proposal repeals rather than amends the current directive.</i></p>
	<p>The Commission shall, if necessary in the light of this evaluation, submit a proposal to amend this Directive by the introduction of a system involving the payment of an appropriate percentage, of no less than one third, of the costs referred to in paragraph 1 by all ships calling at a port of a Member State irrespective of actual use of the facilities, or an alternative system with equivalent effects.</p>	
<p style="text-align: center;"><b>Article 9 Exemptions</b></p> <p>1. Member States may exempt a ship calling at their ports from the obligations in Articles 6, 7(1) and 8 [advance notification, delivery and fee] cumulatively, where there is sufficient evidence that:</p>	<p style="text-align: center;"><b>Article 9 Exemptions</b></p> <p>1. When ships are engaged in scheduled traffic with frequent and regular port calls and there is sufficient evidence of an arrangement to ensure the delivery of ship-generated waste and payment of fees in a port along the ship's route, Member States of the ports involved may exempt these ships from the obligations in Article 6, Article 7(1) and Article 8.</p>	
<p>(a) the ship is engaged in scheduled traffic with frequent and regular port calls;</p>		
<p>(b) there is an arrangement to ensure the delivery of the waste and payment of the fees in a port along the</p>		

ship's route;		
(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.		<i>The main difference is the last part of 9.1(c) where it says: "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."</i>
2. If the exemption is granted, the Member State where the port is located, shall issue an exemption certificate, based on the format set out in Annex 5, confirming that the ship meets the necessary conditions and requirements for the application of the exemption and stating the duration of the exemption.	2. Member States shall inform the Commission of exemptions granted in accordance with paragraph 1 on a regular basis, at least once a year.	<i>Format newly prescribed.</i>
3. Member States shall report the information from the exemption certificate electronically in the part of the monitoring and information system referred to in Article 14 of this Directive, in accordance with the provisions of Directive 2002/59/EC.		<i>Reporting of exemption certs. in SSN</i>
4. Member States shall ensure effective monitoring and enforcement of the arrangements for the delivery and payment in place for the exempted vessels visiting their ports.		<i>New MS monitoring and enforcement obligation.</i>
<b>SECTION 4: ENFORCEMENT</b>	<b>Article 10</b> <b>Delivery of cargo residues</b> The master of a ship calling at a Community port shall ensure that cargo residues are delivered to a port reception facility in accordance with the provisions of Marpol 73/78. Any fee for delivery of cargo residues shall be paid by the user of the reception facility.	<i>See Art. 2(c) "cargo residues" incorporated into "waste from ships"</i>

<p style="text-align: center;"><b>Article 10 Inspections</b></p> <p>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.</p>	<p style="text-align: center;"><b>Article 11 Enforcement</b></p> <p>1. Member States shall ensure that any ship may be subject to an inspection in order to verify that it complies with Articles 7 and 10 [ship waste and cargo residue delivery] and that a sufficient number of such inspections is carried out.</p>	<p><i>Similar, proposal expands PSC inspection to include advance notification, delivery (&amp; receipt) and fee</i></p>
	<p>2. For inspections concerning ships other than fishing vessels and recreational craft authorised to carry no more than 12 passengers: (a) in selecting ships for inspection, Member States shall pay particular attention to: — ships which have not complied with the notification requirements in Article 6; — ships for which the examination of the information provided by the master in accordance with Article 6 has revealed other grounds to believe that the ship does not comply with this Directive;</p>	<p><i>Targeting currently based on assessment of advance waste notification.</i></p>
<p style="text-align: center;"><b>Article 11 Port State Control Inspections</b></p> <p>Inspections shall be carried out in accordance with Directive 2009/16/EC for the ships falling in the scope of that Directive, so that any such inspection includes a verification that the ship complies with the requirements of Articles 6, 7, and 9.</p>	<p>(b) such inspection may be undertaken within the framework of Directive 95/21/EC [i.e. Port State Control], when applicable; whatever the framework of the inspections, the 25 % inspection requirement set out in that Directive shall apply;</p>	<p><i>See above, the proposal expands PSC inspection to include advance notification, delivery (&amp; receipt) and fee,</i></p>
	<p>(c) if the relevant authority is not satisfied with the results of this inspection, it shall ensure that the ship does not leave the port until it has delivered its ship-generated waste and cargo residues to a port reception facility in accordance with Articles 7 and 10;</p>	

	(d) when there is clear evidence that a ship has proceeded to sea without having complied with Articles 7 or 10, the competent authority of the next port of call shall be informed thereof and such a ship shall, without prejudice to the application of the penalties referred to in Article 13, not be permitted to leave that port until a more detailed assessment of factors relating to the ship's compliance with this Directive, such as the accuracy of any information provided in accordance with Article 6, has taken place.	
<b>Article 12</b> <b>Inspections outside Port State Control</b>	3. Member States shall establish <b>control procedures, to the extent required, for fishing vessels and recreational craft authorised to carry no more than 12 passengers</b> to ensure compliance with the applicable requirements of this Directive.	
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:		
(a) domestic ships flying their flag of 100 gross tonnage and above calling in the relevant Member State annually;		
(b) fishing vessels of 100 gross tonnage and above calling in the relevant Member State annually;		
(c) recreational craft of 100 gross tonnage and above calling in the relevant member State annually.		
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.		<i>Reporting into Thetis obligation.</i>
3. Member States shall establish <b>procedures for inspections for fishing vessels below 100 gross tonnage as well as for recreational craft below 100 gross tonnage</b> , to ensure compliance with the applicable requirements of this Directive.		<i>See changes to text in bold</i>

<p>4. If the relevant authority of the Member State is not satisfied with the results of the inspection, it shall, without prejudice to the application of the penalties referred to in Article 16, ensure that the ship does not leave port until it has delivered its waste to a port reception facility in accordance with Article 7.</p>	<p>Cf Article 11.2(c) above “(c) if the relevant authority is not satisfied with the results of this inspection, it shall ensure that the ship does not leave the port until it has delivered its ship-generated waste and cargo residues to a port reception facility in accordance with Articles 7 and 10;”</p>	<p><i>Similar</i></p>
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**[The provisions in Art. 12 have mostly now been spread throughout the Proposal]**

**Article 12**

**Accompanying measures**

1. Member States shall:

(a) take all necessary measures to ensure that masters, providers of port reception facilities and other persons concerned are adequately informed of the requirements addressed to them under this Directive and that they comply with them; **can't see this wording in the new proposal**

(b) designate appropriate authorities or bodies for performing functions under this Directive; **can't see this wording in the new proposal**

(c) make provision for cooperation between their relevant authorities and commercial organisations to ensure the effective implementation of this Directive; **European Commission has taken over this responsibility in Art 17 of proposal**

(d) ensure that the information notified by masters in accordance with Article 6 be appropriately examined; **see Art 6.4 of proposal**

(e) ensure that the formalities relating to the use of port reception facilities are simple and expeditious in order to create an incentive for the master to use port reception facilities and to avoid undue delays to ships; **see Art. 4.2(b) of proposal**

(f) ensure that the Commission is provided with a copy of the allegations of inadequate port reception facilities referred to in Article 4(3); **see Art. 4.3 2<sup>nd</sup> para of proposal**

(g) ensure that the treatment, recovery or disposal of ship-generated waste and cargo residues shall be carried out in accordance with Directive 75/442/EEC and other relevant Community waste legislation, in particular Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils ( 1 ) and Council Directive 91/689/EEC of 12 December 1991 on hazardous waste ( 2 );

**see Art. 4.2 (c) of proposal**

(h) ensure in accordance with their national legislation that any party involved in the delivery or reception of ship-generated waste or cargo residues can claim compensation for damage caused by undue delay. **see Art. 4.4 of proposal**

2. Delivery of ship-generated waste and cargo residues shall be considered as release for free circulation within the meaning of Article 79 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ( 1 ). The customs authorities shall not require the lodging of a summary declaration in accordance with Article 45 of the Community Customs Code. **Can't see this wording in the new proposal**

	<p>3. Member States and the Commission shall cooperate in establishing an appropriate information and monitoring system, covering at least the whole of the Community, to:</p> <ul style="list-style-type: none"> <li>— improve the identification of ships which have not delivered their ship-generated waste and cargo residues in accordance with this Directive,</li> <li>— ascertain whether the goals set in Article 1 of the Directive have been met.</li> </ul>	
	<p><b>[European Commission has taken over this in 8.5 of the proposal]</b> 4. Member States and the Commission shall cooperate in establishing common criteria for identifying ships referred to in Article 8(2)(c).</p>	
<p align="center"><b>Article 13</b></p> <p><b>Information, Monitoring and Enforcement System</b></p> <p>The implementation and enforcement of the Directive shall be facilitated by the electronic reporting and exchange of information between Member States in accordance with Articles 14 and 15.</p>		
<p align="center"><b>Article 14</b></p> <p align="center"><b>Reporting and exchange of information</b></p> <p>1. The reporting and exchange of information shall be based on the Union Maritime Information and Exchange System (SafeSeaNet), referred to in Article 22a(3) and Annex III of Directive 2002/59/EC.</p>		<i>Refers to SSN and Thetis.</i>
<p>2. Member States shall ensure that the following data is reported electronically and within reasonable time in accordance with Directive 2010/65/EC:</p>		
<p>(a) information on the actual time of arrival and time of departure of every ship, falling in the scope of Directive 2002/59/EC, calling at an EU port, together with an identifier of the port concerned;</p>		
<p>(b) the information from the waste notification as contained in Annex 2;</p>		
<p>(c) the information from the waste receipt as contained in Annex 3;</p>		
<p>(d) the information from the exemption certificate as</p>		

contained in Annex 5.		
3. Member States shall ensure, to the extent possible, that fishing vessels and recreational craft over 100 gross tonnage, calling at an Union port, shall also report, the information on the actual time of arrival and departure.		<i>New provisions relating to reporting of arrival and departure vessels.</i>
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.		<i>European Commission to forward certain info (on PRFs and inadequacies of same to IMO).</i>
<p style="text-align: center;"><b>Article 15</b> <b>Recording of inspections</b></p> <p>1. The Commission shall develop, maintain and update an inspection database to which all Member States shall be connected and which shall contain all the information required for the implementation of the inspection system provided for by this Directive. This database will be based on the inspection database referred to in Article 24 of Directive 2009/16/EC and shall have similar functionalities to that database.</p>		<i>New Thetis module for PRF</i>
2. Member States shall ensure that the information related to inspections under this Directive, including information regarding non-compliances and prohibition of departure orders granted, is transferred without delay to the inspection database, as soon as the inspection report has been completed, or the prohibition of departure order has been lifted, or an exemption has been granted.		<i>Requirements to transfer info without delay.</i>
3. Member States shall ensure that the information transferred to the inspection database is validated within 72 hours.		<i>Requirement to validated info within 72 hours</i>
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.		<i>Access and functionality of database.</i>
5. Member States shall at all times have access to the information recorded.		

<p style="text-align: center;"><b>Article 16 Penalties</b></p> <p>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.</p>	<p style="text-align: center;"><b>Article 13 Penalties</b></p> <p>Member States shall lay down a system of penalties for the breach of national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that those penalties are applied. The penalties thus provided shall be effective, proportionate and dissuasive.</p>	<p style="text-align: center;"><i>Similar</i></p>
<p style="text-align: center;"><b>SECTION 5: FINAL PROVISIONS Article 17 Exchange of experience</b></p> <p><b>[European Commission has taken over this role from MS, see 12.1 (c) of current directive]</b></p> <p>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.</p>		<p style="text-align: center;"><i>Forum for exchange of experience.</i></p>
	<p><b>[See below, Art. 20 of proposal for COSS]</b></p> <p style="text-align: center;"><b>Article 14 Committee procedure</b></p> <p>1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council ( 2 ).</p> <p>2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.</p>	

<p style="text-align: center;"><b>Article 18</b> <b>Amendment procedure</b></p> <p>1. The Commission shall be empowered to adopt delegated acts in accordance with Article 19 in order to amend the Annexes to this Directive and the references to IMO instruments to the extent necessary to bring them into line with Union law or in order to take account of developments at international level, in particular at IMO.</p>	<p style="text-align: center;"><b>Article 15</b> <b>Amendment procedure</b></p> <p>The Annexes to this Directive, the definition in Article 2(b) and references to Community and IMO instruments may be adapted by the Commission in order to bring them into line with Community or IMO measures which have entered into force, in so far as such amendments do not broaden the scope of this Directive.</p>	<p><i>Similar</i></p>
<p>2. The Annexes may also be amended when it is necessary to improve the implementation and monitoring arrangements established by this Directive, in particular those provided in Articles 6, 7 and 9, in order to ensure effective notification and delivery of waste, and the proper application of exemptions.</p>	<p>Furthermore, the Annexes to this Directive may be amended by the Commission when necessary in order to improve the regime established by this Directive, in so far as such amendments do not broaden the scope of this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(2). The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002.</p>	<p><i>Similar</i></p>
<p>3. In exceptional circumstances, where duly justified by an appropriate analysis by the Commission and in order to avoid a serious and unacceptable threat to maritime safety, to health, to shipboard living or working conditions or to the marine environment, or to avoid incompatibility with Union maritime legislation, the Commission is empowered to adopt delegated acts in accordance with Article 19, amending this Directive in order not to apply, for the purpose of this Directive, an amendment to the MARPOL Convention.</p>		

<p>4. Those delegated acts shall be adopted at least three months before the expiration of the period established internationally for the tacit acceptance of the amendment concerned or the envisaged date for the entry into force of said amendment. In the period preceding the entry into force of such delegated act, Member States shall refrain from any initiative intended to integrate the amendment in national legislation or to apply the amendment to the international instrument concerned.</p>		
	<p><b>[See below, Art 25 of proposal ]</b>  <b>Article 16</b>  <b>Implementation</b></p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 28 December 2002 and forthwith inform the Commission thereof.  However, as far as sewage as referred to in Article 2(c) is concerned, the implementation of this Directive shall be suspended until 12 months after the entry into force of Annex IV to Marpol 73/78, while respecting the distinction made in this convention between new and existing ships.</p>	
	<p>2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.</p>	
	<p><b>[see below, Art. 24 of proposal]</b>  <b>Article 17</b>  <b>Evaluation</b></p> <p>1. Member States shall submit to the Commission a status report concerning the implementation of this Directive every three years.</p>	

	2. The Commission shall submit an evaluation report on the operation of the system as provided for in this Directive to the European Parliament and the Council, on the basis of the reports of the Member States as provided for in paragraph 1 together with proposals as necessary, concerning the implementation of this Directive.	
	<b>[see Art. 26 of proposal ]</b> <b>Article 18</b> <b>Entry into force</b> This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.	
	<b>[See Art. 27 of proposal]</b> <b>Article 19</b> <b>Addressees</b> This Directive is addressed to the Member States	
<b>Article 19</b> <b>Exercise of delegation</b> 1. The power to adopt delegated acts referred to in Article 8(5), Article 18(1), Article 18(2) and Article 18(3) shall be conferred on the Commission for a period of five years from [the date of entry into force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		<i>Standard proposal provisions on delegated acts.</i>
2. The delegation may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any		

delegated acts already in force.		
3. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.		
4. A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament and the Council.		
<p style="text-align: center;"><b>Article 20 Committee</b></p> <p>1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p>	<p><b>Compare Art. 14 above:</b> “Committee procedure 1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council ( 2 ).</p>	<p><i>Reference to COSS.</i></p>
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC [laying down the procedures for the exercise of implementing powers conferred on the Commission] shall apply, having regard to the provisions of Article 8 thereof.”	<p><i>Procedural matters relating to EU secondary legislation</i></p>
<p style="text-align: center;"><b>Article 21 Amendments to Directive 2009/16/EC [Port State Control Directive]</b></p> <p>Directive 2009/16/EC is amended as follows: (1) Article 13 is amended as follows: (a) In paragraph (1) the following point (d) is added:</p>		<p><i>Amendments to the PSC Directive to take into account the proposal</i></p>

(d) 'verifies that the ship complies with Article 6, Article 7 and Article 9, where applicable, of Directive 201X/XX/EU on port reception facilities for the delivery of waste from ships.'		
(b) In paragraph (3) first subparagraph the following provision is added at the end of the paragraph:  '..or of Directive 201X/XX/EU'.		
(c) The following paragraph is added:		
(4) 'If after the inspection referred to in point 1(d) or referred to in paragraph 3, the inspector is not satisfied that the ship has been in compliance with Directive 201X/XX/EU, the ship shall not be allowed to leave the port, without prejudice to the application of the penalties referred to in Article 16 of Directive 201X/XX/EU, until the ship has delivered its waste to a port reception facility.'		
(2) In Annex I.II.2B, the following indent is added at the end of the list of unexpected factors: – 'Ships which have been reported as not complying with the obligation to deliver their waste in accordance with Article 7 of Directive 201X/XX/EU or for which the information reported in accordance with Article 6 of Directive 201X/XX/EU has revealed evidence of non-compliance with Directive 201X/XX/EU'.		
(3) In Annex IV, the following points are added:		
(51) A copy of the advance waste notification documents kept on board in accordance with Article 6(3) of Directive 201X/XX/EU		
(52) The standard waste receipt forms issued in accordance with Article 7 of Directive 201X/XX/EU.		
(53) The exemption certificate issued in accordance		

with Article 9 of Directive 201X/XX/EU.		
<p align="center"><b>Article 22</b></p> <p align="center"><b>Amendment to Directive 2010/65/EU [Reporting Formalities or FAL Directive ]</b></p> <p>Directive 2010/65/EU is amended as follows:</p> <p>In point A of the Annex, point (4) is amended as follows:</p> <p>'4. Notification of waste from ships, including residues</p> <p>Articles 6 and 7 of Directive 201X/XX/EU of the European Parliament and the Council'.</p>		<p><i>Amendment to the FAL Directive to take into account the proposal, changes it to add the waste delivery receipt.</i></p>
<p align="center"><b>Article 23</b></p> <p align="center"><b>Repeal</b></p> <p>Directive 2000/59/EC is repealed. References to the repealed Directive shall be construed as references to this Directive.</p>		<p><i>Repeals current PRF Directive.</i></p>
<p align="center"><b>Article 24</b></p> <p align="center"><b>Review</b></p>	<p><b>Compare with Article 17 above:</b> "Article 17 Evaluation 1. Member States shall submit to the Commission a status report concerning the implementation of this Directive every three years.</p>	<p><i>Status reports from MS no longer required.</i></p>
<p>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.</p>	<p>2. The Commission shall submit an evaluation report on the operation of the system as provided for in this Directive to the European Parliament and the Council, on the basis of the reports of the Member States as provided for in paragraph 1 together with proposals as necessary, concerning the implementation of this Directive."</p>	<p><i>Results of European Commission evaluation due in 7 years.</i></p>
<p align="center"><b>Article 25</b></p> <p align="center"><b>Transposition</b></p> <p>1. 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</p>	<p><b>[see Art. 16 above]</b></p>	<p><i>Usually a set period (2 years) after entry into force is given rather than a specific date as here</i></p>

provisions.		
When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.		
2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.		
<p style="text-align: center;"><b>Article 26</b> <b>Entry into force</b></p> This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	[See Art. 18 above]	<i>Small change</i>
<p style="text-align: center;"><b>Article 27</b> <b>Addressees</b></p> This Directive is addressed to the Member States.	[See Art 19 above]	<i>Same</i>
Done at Strasbourg,  For the European Parliament                      For the Council The President    The President		