

Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (Text with EEA relevance)

Section 1

General provisions

Article 3

Scope

- 1 This Directive applies to:
 - 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 services within the meaning of Article 1(2) of Regulation (EU) 2017/352, and 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;
 - b all ports of the Member States normally visited by ships falling within 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.

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

3 Member States which have neither ports nor ships flying their flag that fall within the scope of this Directive may, with the exception of the obligation set out in the third subparagraph of this paragraph, derogate from the provisions of this Directive.

Member States which do not have ports that fall within the scope of this Directive may derogate from the provisions of this Directive which are addressed solely to ports.

Those Member States which intend to avail themselves of the derogations set out in this paragraph shall communicate to the Commission by 28 June 2021 whether the relevant conditions have been met and shall inform the Commission annually thereafter of any subsequent change. Until such Member States have transposed and implemented this Directive, they may not have any ports falling within the scope of this Directive and they may not allow ships, including craft, that fall within the scope of this Directive to fly their flag.