

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 2

Provision of adequate port reception facilities

Article 4

Port reception facilities

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.

2 Member States shall ensure that:

- a the port reception facilities have the capacity to receive the types and quantities of waste from ships normally using that port, taking into account:
 - (i) the operational needs of the port users;
 - (ii) the size and geographical location of that port;
 - (iii) the type of ships calling at that port; and
 - (iv) the exemptions provided for under Article 9;
- b the formalities and practical arrangements relating to the use of the port reception facilities are simple and expeditious to avoid undue delays to ships;
- c the fees charged for delivery do not create a disincentive for ships to use the port reception facilities; and
- d the port reception facilities allow for the management of the waste from ships in an environmentally sound manner in accordance with Directive 2008/98/EC and other relevant Union and national waste law.

For the purposes of point (d) of the first subparagraph, the Member States shall ensure separate collection to facilitate reuse and recycling of waste from ships in ports as required under Union waste law, in particular Directive 2006/66/EC of the European Parliament and the Council⁽¹⁾, Directive 2008/98/EC and Directive 2012/19/EU of the European Parliament and of the Council⁽²⁾. In order to facilitate this process, port reception facilities may collect the separate waste fractions in accordance with waste categories defined in the MARPOL Convention, taking into account the guidelines thereof.

Point (d) of the first subparagraph shall apply without prejudice to the more stringent requirements imposed by Regulation (EC) No 1069/2009 for the management of catering waste from international transport.

3 Member States, in their capacity as flag States, shall use the IMO forms and procedures to notify the IMO as well as the authorities of the port State of alleged inadequacies of port reception facilities.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Member States, in their capacity as port States, shall investigate all reported cases of alleged inadequacies and use the IMO forms and procedures to notify the IMO and the reporting flag State of the outcome of the investigation.

4 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.

5 Member States shall ensure that any party involved in the delivery or reception of waste from ships can claim compensation for damage caused by undue delay.

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- (1) Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC ([OJ L 266, 26.9.2006, p. 1](#)).
- (2) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) ([OJ L 197, 24.7.2012, p. 38](#)).