Commission Directive (EU) 2015/2087 of 18 November 2015 amending Annex II to Directive 2000/59/EC of the European Parliament and the Council on port reception facilities for ship-generated waste and cargo residues (Text with EEA relevance)

COMMISSION DIRECTIVE (EU) 2015/2087

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2000/59/EC of the European Parliament and the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues[(1)], and in particular Article 15 thereof,

Whereas:

(1) On 15 July 2011 the International Maritime Organisation (IMO) adopted Resolution MEPC.201(62) amending Annex V to the MARPOL Convention on the prevention of pollution by garbage from ships, by introducing a new and more detailed categorization of garbage[(2)]. The amended Annex V to the MARPOL Convention entered into force on 1 January 2013.

(2) This new categorization of garbage is reflected in IMO Circular MEPC.1/Circ.644/Rev.1, providing a standard format for the advance notification form for waste delivery to port reception facilities[(3)], as well as in IMO Circular MEPC.1/Circ.645/Rev.1, providing a standard format for the waste delivery receipt following a ship's use of port reception facilities[(4)].

(3) In the interest of consistency with IMO measures and in order to avoid uncertainty amongst port users and authorities, the table included in Annex II to Directive 2000/59/EC, which contains the different types and amounts of waste and cargo residues to be delivered or retained on board, should be adapted to the new categorisation of garbage of the amended Annex V to the MARPOL Convention.

(4) In addition, in order to improve the regime established under Directive 2000/59/EC, which aims at reducing discharges of ship-generated waste and cargo residues into the sea, information on the types and quantities of ship-generated waste actually delivered to port reception facilities in the last port of delivery should be included in the table of Annex II.

(5) The exact data on the types and amounts of the ship-generated waste and cargo residues delivered by a ship in the last port is essential for an accurate calculation of sufficient dedicated storage capacity on that ship. The calculation of sufficient storage capacity

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is a prerequisite for allowing the ship to proceed to the next port of call without having delivered its ship-generated waste, as well as for a proper selection of vessels for inspection. Better targeted inspections will contribute to the effective operation of maritime traffic, by reducing turnaround time in ports.

(6) This information may be available through waste receipts issued on basis of the IMO Circular MEPC.1/Circ.645/Rev.1, which recommends the standard format for the waste delivery receipt, or through other types of receipts issued to the master of the ship upon delivery of the waste. The amounts and types of waste indicated on the waste receipt or as declared by the master of the ship upon delivery in case a waste receipt cannot be obtained, would generally be more accurate than those available from the waste notification form, as they should reflect the actual situation after delivery and as such provide more reliability in the decision making process. The master of the ship records such delivery information in the Garbage Record Book as required by the MARPOL Convention.

(7) A systematic collection of accurate data on waste delivery would also allow a better statistical analysis of waste flow patterns in ports and facilitate the establishment of the information and monitoring system foreseen in Article 12(3) of Directive 2000/59/EC. The monitoring and exchange of such information, including the electronic waste notification developed under Directive 2010/65/EU of the European Parliament and the Council[(5)], are currently supported by the Union maritime information and exchange system (SafeSeaNet), established by Directive 2002/59/EC of the European Parliament and the Council[(6)], which should be linked to a reporting module within the Port State Control database[(7)] set up under Directive 2009/16/EC of the European Parliament and the Council[(8)].

(8) Annex II to Directive 2000/59/EC should be amended to include the information on waste delivery in the previous port and in order to incorporate the new categorization of garbage introduced by the amended MARPOL Annex V.

(9) The measures provided for in this Directive are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 2000/59/EC is replaced by the Annex to this Directive.

Article 2

1 Member States shall adopt and publish, by 9 December 2016 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 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.