

Brussels, 19 December 2005

## **Port reception facilities for ship-generated waste and cargo residues: three Member States summoned to implement the rules**

***The Commission sent reasoned opinions to Greece and Slovenia and decided to lodge a case to the Court of Justice against Poland for failure to respect EU legislation on the improvement of the availability and use of port reception facilities for ship-generated waste and cargo residues.***

*“It is important that all Member States implement properly this legislation that enhances the protection of the maritime environment. Obligations both on masters of ships to deliver their waste and on Member States to make facilities available to treat this waste must be respected”,* said Vice-President Jacques Barrot in charge of transport.

The Directive <sup>1(1)</sup> adopted in 2000 aims at reducing the discharges of ship-generated waste and cargo residues into the sea from ships using ports in the European Union by improving the availability and use of the facilities designed to receive and treat such waste and residues, thereby enhancing the protection of the maritime environment.

Whilst in the Slovenian and the Polish cases, several issues relating to the non conformity with the directive are at stake, the Greek case relates to the non implementation of the obligation to develop, approve and implement waste reception and handling plans in all Greek ports, including fishing ports and marinas. These plans are a key element in ensuring that port reception facilities made available meet the needs of the ships normally using the ports, that their operation does not cause undue delay to ships and that fair, transparent and non-discriminatory fees are applied.

Member States should have adequately transposed the Directive into their national law and established waste reception and handling plans for all their ports by 27 December 2002.

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<sup>1</sup> Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81)

Brussels, 29 June 2006

## **Port reception facilities for ship-generated waste and cargo residues: Commission sends reasoned opinions to Germany, Estonia and Spain and brings Greece, France, Italy, Finland and Portugal to the Court of Justice**

***The Commission has sent reasoned opinions to Germany, Estonia and Spain and decided to lodge a case to the Court of Justice against Greece, France, Italy, Finland and Portugal. The countries have failed to respect EU legislation on the improvement of the availability and use of port reception facilities for ship-generated waste and cargo residues.***

The Commission has decided to act against eight Member States for failure to adequately implement a Directive<sup>1</sup> adopted in 2000. The Directive aims at reducing the discharges of ship-generated waste and cargo residues into the sea from ships using ports in the Community by improving the availability and use of the facilities designed to receive and treat such waste and residues, thereby enhancing the protection of the maritime environment.

In all eight cases, Commission action was prompted by the insufficient implementation of the obligation to develop, approve and implement waste reception and handling plans relating to all national ports, including fishing ports and marinas. These plans are a key element in ensuring that port reception facilities made available meet the needs of the ships normally using the ports that their operation does not cause undue delay to ships and that fair, transparent and non-discriminatory fees are applied.

Member States should have established and implemented waste reception and handling plans for all their ports by 27 December 2002.

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<sup>1</sup> Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

Brussels, 27<sup>th</sup> June 2007

## **Port reception facilities for ship-generated waste and cargo residues: Commission takes Germany, Spain and Estonia to the Court of Justice**

***The European Commission has decided to act against Germany, Spain and Estonia for failure to respect EU legislation on better availability and use of port reception facilities for ship-generated waste and cargo residues.***

The Directive<sup>1</sup>, adopted in 2000, aims at reducing discharges of ship-generated waste and cargo residues into the sea from ships using ports in the Community. To this end, it provides for better availability and use of the facilities designed to receive and treat such waste and residues, thereby enhancing the protection of the maritime environment.

In all three cases, the Commission's action was prompted by the insufficient implementation of the obligation to develop, approve and implement waste reception and handling plans relating to all national ports, including fishing ports and marinas. These plans are essential in ensuring that port reception facilities meet the needs of the ships normally using the ports. They are also important for ensuring respect of other key principles of the Directive, in particular that fair, transparent and non-discriminatory fees are applied.

Member States should have established waste reception and handling plans for all their ports by 27 December 2002.

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<sup>1</sup> Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

## **Port reception facilities for ship-generated waste and cargo residues: Commission decides to take Belgium and Estonia to the European Court of Justice**

***The European Commission has today decided to lodge a case to the Court of Justice against Belgium and Estonia for failure to respect EU legislation on better availability and use of port reception facilities for ship-generated waste and cargo residues.***

The Commission has decided to act against Belgium and Estonia for failure to transpose correctly a Directive<sup>1</sup> adopted in 2000 into their national law. The Directive aims at reducing discharges of ship-generated waste and cargo residues into the sea from ships using ports in the Community. To this end, it provides for better availability and use of the facilities designed to receive and treat such waste and residues, thereby enhancing the protection of the maritime environment.

In the case of Belgium, the Commission challenges the insufficiency of provisions on fees to be paid by ships in order to cover the costs of port reception facilities. The directive provides for such fees to be applicable to all ships whether or not they use the facilities, as a way to give operators incentives to such use. While Belgium has already amended its legislation following the Commission's reasoned opinion (IP/05/1258), the necessary changes have not yet been made as regards the Walloon region.

As for Estonia, the Commission's action was prompted by the inadequacy of essential provisions on ship inspections that are designed to ensure compliance with the Directive.

Member States should have correctly transposed the Directive into their national law by 27 December 2002.

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<sup>1</sup> Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

## **Port reception facilities to prevent maritime pollution: Commission sends reasoned opinion to Italy**

***The European Commission decided today to address a reasoned opinion to the Italian authorities for their failure to comply with a judgement of the European Court of Justice. The sentence relates to EU legislation on the approval and implementation of reception and handling plans for ship-generated waste and cargo residues.***

The European Court of Justice judgement of 25 September 2008<sup>1</sup> declared that Italy had failed to adequately implement a Directive<sup>2</sup> adopted in 2000.

The Directive aims at reducing the discharges of ship-generated waste and cargo residues into the sea from ships using ports in the Community. It calls for improved availability and use of port facilities designed to receive and treat such waste and residues, thereby enhancing the protection of the maritime environment. One of its key provisions concerns the establishment, approval and implementation of ship-generated waste reception and handling plans for each port.

Whilst the Directive was to be implemented by 27 December 2002, at the time of the Court's decision in 2008, a very significant number of Italian ports still did not have a reception and handling plan for ship waste. Despite recent efforts by the Italian authorities, the situation remains essentially the same. The Commission has given Italy a last opportunity to correct the situation before resorting to the European Court of Justice again to impose financial penalties on Italy for non-implementation of its previous judgement.

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<sup>1</sup> Case C-368/07, Commission v. Italy.

<sup>2</sup> Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).