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Public consultation on the Revision of the Port Reception Facilities Directive (2000/59/EC)

Fields marked with * are mandatory.

This consultation aims at collecting your views on a possible revision of Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues ("the PRF Directive"). The main objective of the PRF 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 EU, by improving the availability and use of port reception facilities for ship generated waste and cargo residues".

The Directive is based on the requirements contained in the International Convention for the Prevention of Pollution from Ships (MARPOL). MARPOL requires the Contracting Parties to provide for port reception facilities for waste from ships that is not allowed to be discharged into the sea. Those facilities must be adequate to meet the needs of ships using the port, without causing undue delay. The Directive is also the main EU policy instrument for tackling sea-based sources of marine litter and this is why the Commission intends to "... address the issue of marine litter from ships and examine options to increase its delivery to and adequate treatment by port reception facilities..." in the context of the revision of the Directive.

Whereas the Directive has had positive effects since its entry into force, as identified in the recently conducted REFIT Evaluation (<http://eur-lex.europa.eu/legal-content/AUTO/?uri=CELEX:52016DC0168>), the Commission has identified a range of potential shortcomings in the implementation of the Directive, confirming that the current system is not optimal and that a revision might be the preferred option to address these shortcomings.

This part of the consultation is designed to allow the stakeholders and the general public to express their opinion on:

- the appropriateness of the current EU legal framework.
- the problems identified and
- the preliminary options for policy answers to these problems, as identified by the Commission in the preparatory work for a revision of the Directive.

Section A: Respondent Details

*1. In what capacity are
you completing this questionnaire?

- My personal capacity
- Private sector company
- Industry association or NGO
- Local or regional public authority
- National public authority
- Other (please specify)

*2.

Please provide your full name and - if applicable - the name of the entity on whose behalf you are replying.

Please note that you can only fill in the questionnaire if your name and contact details are provided. You can still opt for your answers to remain anonymous when results are published.

100 character(s) maximum

Dutch Ministry of Infrastructure and the Environment

3.

Please give your email address in case we have questions about your reply and need to ask for clarifications

*4.

Is the entity on whose behalf you are replying registered in the EU Transparency Register?

If you are not registered and would like to do so, you may sign up on the Transparency

Register (<http://ec.europa.eu/transparencyregister/public/homePage.do>) web page

- Yes
- No

5.

Please indicate the registration number in the Transparency Register

*6.

What is your country of residence?

In case of legal entities, please select

the primary place of establishment of the entity which you represent.

*7.

Please specify what kind of organisation you represent

- Port authority
- Port association
- Ship-owner/operator
- European or national shipping association
- PRF/ waste operator
- PRF operators association
- Member State (all relevant agencies, including ministries and inspectorates)
- National government from non-EU Member State (including acceding and candidate countries)
- IMO
- EU body (including executive agencies)
- Sea Basin organisation
- Environmental and all other NGOs (e.g. Port workers associations, seafarers' organisations, education sector, EGCSA (exhaust gas cleaning systems organisation))
- other (please specify)

*8.

Please state your preference with regard to the publication of your contribution:

Please note that regardless of the option chosen, your contribution may be subject to a request for access to documents under Regulation 1049/2001 (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001R1049>) In such cases, the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.

- My contribution may be published under the name indicated; I declare that none of it is subject to copyright restrictions that prevent publication
- My contribution may be published but should be kept anonymous; I declare that none of it is subject to copyright restrictions that prevent publication
- I do not agree that my contribution will be published at all

Section B: Questionnaire

B.1 The current functioning of the EU system of port reception facilities

The Port Reception Facility Directive is a regulatory key component for the prevention and control of pollution of the marine environment from ships. It is an instrument for Member States to comply with obligations under MARPOL and provides harmonization of the implementation on EU level.

The measures provided by the Directive apply to all ships and EU ports and include: the provision of adequate port reception facilities ("PRF"), the development of the waste reception and handling plans, compulsory prior notification, the mandatory delivery of all ship-generated waste, the establishment of cost recovery systems for ship-generated waste, providing for exemption procedures, inspections, and the development of an information and monitoring system.

The REFIT Evaluation that was finalised in 2015 has revealed the following three main issues with respect to the functioning of the Directive:

1. PRF may not always be adequate or unavailable;
2. There is insufficient delivery of waste to PRF;
3. The current Directive imposes an unnecessary administrative burden.

B.1.1 General opinion

*9. To what extent are you

familiar of the EC Directive on port reception facilities for ship-generated waste and cargo residues (Directive 2000/59/EC)?

- Very familiar
- Familiar

- Know little about it
- Not familiar

*10. To what extent are EU

port reception facilities adequate in meeting the needs of ships usually visiting the ports in which they are located?

- Port reception facilities are in general inadequate
- Port reception facilities are in general adequate
- Port reception facilities are fully adequate
- Do not know / have no firm opinion

11. Do you

consider that the current situation of port reception facilities across Europe contributes adequately to the prevention and control of pollution of the marine environment due to the following types of ship-generated waste and cargo residues? (please answer per waste category)

	Very adequate	Somewhat adequate	Neutral	Somewhat inadequate	Very inadequate	Do not know / have no firm opinion
Annex I waste (oily waste / sludge)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Annex IV waste (sewage)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Annex V waste (garbage)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Annex VI waste (residues from exhaust gas cleaning systems)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cargo residues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other waste type (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

If

applicable, please specify "Other waste type"

100 character(s) maximum

Although PRF for Garbage are in general adequate, this is not true for small hazardous wastes.

*12. What is your view of

costs to be incurred for the use of EU port reception facilities?

- Port reception facilities in general provide good value for money
- Port reception facilities are generally too costly to use
- Do not know / have no firm opinion

*13. Do you think it is

appropriate that the Directive fully applies to small ports and marinas, in particular as regards the requirements for the development of Waste Reception Handling Plans, enforcement, etc.?

- Yes, the Directive should fully apply to small ports and marinas
- Yes, the Directive should apply to small ports and marinas but the requirements should be less stringent.
- Neutral
- No, the Directive should not apply to small ports and marinas.
- Do not know / no strong opinion
- Other (please elaborate below)

B.1.2 Identification of the problems

The PRF Directive was evaluated in May 2015 and several problems (and the drivers contributing to these problems) were identified. These problems roughly fall within the three main categories mentioned above:

1. Availability of adequate port reception facilities: PRF are not always adequate for the reception and handling of waste and there are problems with the development and consultation of the Waste Reception and Handling Plans
2. Delivery of waste to port reception facilities: there are still substantial differences between the Member States in the interpretation of the main elements in the Directive, in particular the scope of the mandatory delivery requirement, the mandatory principles in the cost recovery systems and the provisions on enforcement,

3. Administrative burden associated with the implementation of the Directive, in particular due to the inconsistent and incomplete definitions and the different procedures for exemptions. The next set of questions will ask your opinion on the importance of each of these problems and drivers individually.

14. Which of the following problems are in your opinion contributing factors to the (illegal) discharges of ship-generated waste and cargo residues at sea?

	Very important	Important	Neutral	Unimportant	Very unimportant	Do not know / have no firm opinion
Port Reception Facilities are not always suitable for purpose and/or available to receive and handle the waste and cargo residues delivered by ships	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insufficient (cost) incentives for ships to deliver the waste to Port Reception Facilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ineffective and insufficient enforcement of the compulsory waste delivery requirements	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inconsistent and outdated definitions in the Directive, causing unnecessary administrative burden and costs for authorities, ports and port users	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inconsistent application of exemptions for ships in scheduled traffic with frequent and regular port calls	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other problem (please specify below)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If applicable, please specify "Other problem"
100 character(s) maximum

Enforcement of MARPOL discharge provisions. This is however not part of the Directive.

15. Which of the following drivers are in your opinion contributing factors to the aforementioned problem of port reception facilities not being always suitable for purpose or available?

	Very important	Important	Neutral	Unimportant	Very unimportant	Do not know / have no firm opinion
The increased use of exhaust gas cleaning systems requires adequate reception of the sludge generated. However, the mandatory discharge requirement of the Directive is currently not applicable to the waste generated by scrubbers	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
Waste Reception and Handling (WRH) plans developed by ports and approved by the relevant competent authorities do not always take the waste hierarchy into account, as required by the Waste Framework Directive. This can lead to inefficiencies at the sea-port interface, such as waste segregated on board which is then not collected separately on land.	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
Port users are not always properly consulted on a continuous basis in the development and implementation of WRH plans.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other driver (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If applicable, please specify "Other driver"
100 character(s) maximum

16. Which of the following drivers are in your opinion **contributing factors to the problem of "(cost) incentives not being sufficient for users to deliver waste and cargo residues in port reception facilities"** as identified in the evaluation?

	Very important	Important	Neutral	Unimportant	Very unimportant	Do not know / have no firm opinion
The lack of alignment in the implementation of cost recovery systems between ports (the obligations/principles laid down in article 8 of the Directive)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fees cannot be considered fair, non-discriminatory and do not reflect the actual costs of PRF, or the relationship between fees and costs is not clear (lack of transparency).	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other driver (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If applicable, please specify "Other driver"
100 character(s) maximum

B.1.3 Insufficient and ineffective enforcement

17. Which of the following drivers are in your opinion **contributing factors to the problem of "insufficient and ineffective enforcement of the mandatory delivery of ship generated waste"** as identified in the evaluation?

	Very important	Important	Neutral	Unimportant	Very unimportant	Do not know / have no firm opinion
Unclear definition of "sufficient storage capacity" which constitutes the main exception to mandatory delivery in port	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The inconsistency between the Directive's mandatory discharge requirement (for "all" ship generated waste) and the MARPOL discharge norms	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The insufficient use and inspection of waste notification forms by the relevant authorities causes that this data is not used for selecting ships for inspection	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal uncertainties regarding the inspection framework lead to less PRF-inspections being conducted than required.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insufficient reporting on quantities and types of waste delivered to EU ports, as well as insufficient exchange of information, given that a Common Monitoring and Information System is not yet fully developed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other driver (please specify below)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If applicable, please specify "Other driver"
100 character(s) maximum

B.1.4 Unnecessary administrative burden

18. Which of the following drivers are in your opinion contributing factors to the problem of "unnecessary administrative burdens and costs for authorities, ports and port users" as identified in the evaluation?

	Very important	Important	Neutral	Unimportant	Very unimportant	Do not know / have no firm opinion
Differences between definitions used in the Directive and those contained in the MARPOL Convention, as also reflected in the different forms employed. In particular what is included in the definition of "ship-generated waste" in the Directive, as well as the definition of cargo residues.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insufficient exchange of information between competent authorities on waste volumes delivered, as well as results from inspections. Insufficient information made available to port users on the availability of adequate PRF.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other driver (please specify below)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If applicable, please specify "Other driver" 100 character(s) maximum

B.1.5 Inconsistent application of exemptions for ships in scheduled traffic

19. Is the following driver in your opinion a contributing factor to the problem of "differences in application of exemption procedures for ships" as identified in the evaluation?

	Very important	Important	Neutral	Unimportant	Very unimportant	Do not know / have no firm opinion
The parameters and conditions for granting exemptions are not well defined and are interpreted differently across Member States	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other driver (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If applicable, please specify "Other driver" 100 character(s) maximum

B.2 The role of the EU in port reception facilities

B.2.1 Effectiveness of EU level implementation

The following questions deal with differences of implementation across the EU of the current directive and if there is a need to act on EU level.

*20.

Do you consider the PRF Directive to be useful in terms of decreasing the (illegal) discharges of ship generated waste and cargo residues at sea in your Member State, compared to what could be achieved by Member States at national and/or regional level?

- Yes
- Mostly
- Partially
- No
- Don't know / No opinion

Please elaborate

2,000 character(s) maximum

The shipping sector is an international sector. It is therefore, both in terms of environmental effectiveness and clarity for the shipping sector, important that a uniform set of regulations is in place in EU ports.

*21.

In your view, to what extent do the issues addressed by the PRF Directive continue to require action at EU level?

- Yes, fully required
- Mostly required
- Partially required
- Not required
- Don't know / No opinion

Please elaborate

2,000 character(s) maximum

22.

What in your view is the most appropriate level to take action to address the following problems?

	World wide	EU wide	Sea basin	Member State	Not regional, but per port type	Not regional, but per port size class	Do not know / have no firm opinion	Other level, please specify
Port Reception Facilities are not always suitable for purpose and/or available to receive and handle the waste and cargo residues delivered by ships	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insufficient (cost) incentives for ships to deliver the waste to Port Reception Facilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ineffective and insufficient enforcement of the mandatory waste delivery requirements	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insufficient means for the electronic reporting and exchange of information on waste deliveries and adequacy of PRF.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inconsistent and outdated definitions in the Directive, causing unnecessary administrative burden and costs for authorities, ports and port users	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inconsistent application of exemptions for ships in scheduled traffic with frequent and regular port calls	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**B.3 Policy options
for making the PRF Directive more effective**

**B.3.1 Possible measures to address the driver of
inadequate port reception facilities**

23. Which of the following measures are in your opinion effective for addressing the driver of "inadequate or unavailable port reception facilities"?

	Very effective	Effective	Neutral	Ineffective	Very ineffective	Do not know / have no firm opinion
Broaden the scope of the Directive by including MARPOL Annex VI waste (residues from exhaust gas cleaning systems or "scrubbers")	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduce an explicit reference to the waste hierarchy presented in the Waste Framework Directive, and require separate collection of waste which has previously been segregated on board, as a way to align to sea port interface.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strengthen the requirements for systematic and regular consultation of stakeholders in the development and updating of waste reception and handling (WRH) plans.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide for exception to the delivery obligation in case of exceptional circumstances where PRF are temporarily unavailable.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Addressing consultation requirements in the PRF Interpretative Guidelines, supplemented by an exchange of good practices of port user involvement.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extend the electronic Monitoring and Information System by including information on adequate PRF from the Waste Reception and Handling Plans to be made available to port users.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*24. Are there any other measures which could address the inadequacy of PRF in the Directive and which have not been mentioned in the questions above?

- No
- Yes (please specify)

If yes, please specify
2,000 character(s) maximum

In several European ports there are no adequate PRF available for the delivery of small hazardous wastes. Either the costs for delivery are a substantial disincentive for delivery or it is not possible to deliver these waste types at all. In both cases this situation is in conflict with the obligation to provide adequate PRF (cf. article 4 PRF Directive).

2 possible measures:

- a. Enforce article 4 of the directive more strictly.
- b. Requiring to have adequate PRF in place for this subcategory in every port may however not be the most cost effective response. This is because ships normally have sufficient storage capacity on board for small hazardous wastes and therefore it may not be needed that every port provides PRF for this sub category. It is however important that there are sufficient adequate PRFs available on a regional scale. For ships it would be important to have easily accessible information available on the ports that have adequate facilities in place for the delivery of small hazardous wastes.

An adequate measure might therefore be to provide an inventory of ports where it is possible to deliver small hazardous wastes and to make this information available.

B.3.2 Possible measures to address the driver of incentives being insufficient for ships to deliver waste to port reception facilities

25. Which of the following measures are in your opinion effective for addressing the driver of "inadequate or unavailable port reception facilities"?

	Very effective	Effective	Neutral	Ineffective	Very ineffective	Do not know / have no firm opinion
Introduce the use of a shared methodology , either at EU level or at regional (sea basin level), to calculate the fee charged to port users, by providing a more specific definition of 'indirect contribution'.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require higher levels of transparency on the cost elements included in the fee charged to port users for the use of port reception facilities through publication in the waste reception and handling (WRH) plans.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create incentives for measures that reduce the volume of waste produced on-board. For this the current requirements for green ships have to be further improved by setting minimum criteria for a more uniform definition of the "Green Ship" concept .	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create incentives for the delivery of all waste from fishing vessels to port reception facilities (including waste from fishing operations) by either providing a specific reduction of the fee for passively fished waste or including fishing vessels in the indirect payment scheme as well as the waste notification requirement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Create incentives for the delivery of all waste from small recreational crafts by including these vessels in the indirect payment scheme as well as the notification requirement.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Create an economic incentive for the delivery of ship generated waste to a port reception facility (in addition to the incentive not to discharge at sea)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Define the minimum percentage for the indirect contribution by ship owners to the costs of port reception facilities in the Directive	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Define the principles and calculation methodology of the cost recovery systems, as well as the green ships concept in PRF Guidelines	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*26. Are there any other measures which could address the driver of insufficient incentives for PRF users in the Directive and which have not been mentioned in the questions above?

- No
- Yes (please specify)

If yes, please specify
2,000 character(s) maximum

Instead of defining a minimum percentage for the indirect contribution it might for Annex V waste be more simple and effective to require that by paying the indirect contribution the ship should be entitled to deliver to a PRF at least a certain volume (m3).

Furthermore we would like to clarify our responses on the questions above with regard to fishing vessels and recreational craft. As those questions included more subquestions it was not possible to give a straightforward response. We would not support additional administrative burden for fishing vessels and recreational craft by introducing notification requirements. Incentives for passively fished waste are however important. In the Netherlands participating fishing vessels can deliver passively fished waste for free. Examination of alternative incentives on EU basis are welcomed. In the NL fishing vessels and recreational craft are included in indirect payment schemes.

B.3.3 Possible measures to address the driver of insufficient and ineffective enforcement

27. Which of the following measures are in your opinion **effective for addressing the driver of "insufficient and ineffective enforcement"** as identified in the evaluation?

	Very effective	Effective	Neutral	Ineffective	Very ineffective	Do not know / have no firm opinion
Align the mandatory delivery requirement with the discharge provisions in MARPOL, so that only the waste that cannot be discharged under MARPOL shall be delivered to PRF.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Replace the 25% minimum inspection requirement with a risk based approach for PRF inspections in line with the new inspection regime under the Port State Control Directive	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Improve the electronic reporting and exchange of information on waste deliveries and inspection results, to allow for a targeting mechanism to be developed	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Require waste operators to issue a waste receipt after each delivery, in line with the IMO Circular 645/rev, in order to improve the reporting of accurate information on types and quantities of waste being delivered in ports.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Seek further consistency between the PRF Directive and Directive 2005/35/EC (ship-source pollution and penalties from infringements) on the introduction of penalties including criminal sanctions, by aligning in terms of scope and measures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Addressing the use of requirements in the PRF Interpretative Guidelines, supplemented by an exchange of good practices of port user involvement	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Extend the existing Common Information and Monitoring System in order to include all the relevant information which enables an effective monitoring and enforcement of the mandatory delivery of ship generated waste	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*28. Are there any other measures which could address the driver of insufficient and ineffective enforcement under the Directive and which have not been addressed in the questions above?

- No
- Yes (please specify)

If yes, please specify
2,000 character(s) maximum

Uniform interpretation and implementation of 'sufficient dedicated storage capacity'. Important in that respect is that a distinction is made between on the one hand ships that depart to ports in the EU and on the other hand ships that depart to a non-EU or unknown destination. The requirements for the latter should be more strict as explained in the response to question 33.

B.3.4 Possible measures to address the driver of unnecessary administrative burden and costs for authorities, ports and port users

29. Which of the following measures are in your opinion effective for addressing the driver of "unnecessary administrative burden and costs for authorities, ports and port users" as identified in the evaluation?

	Very effective	Effective	Neutral	Ineffective	Very ineffective	Do not know / have no firm opinion
Align the definitions used in the Directive with those contained in MARPOL, in particular as regards those for "cargo residues" and "ship generated waste"	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Align/update the notification form (Annex II of the PRF Directive) to reflect the IMO standard and its definitions and categories	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promote the electronic reporting and exchange of information on waste deliveries to enable more effective monitoring and enforcement	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*30. Are there any other measures which could address the driver of unnecessary administrative burden and costs under the Directive and which have not been addressed in the questions above?

- No
- Yes (please specify)

If yes, please specify
2,000 character(s) maximum

1. The current requirement to update the WRHP every three years creates a lot of disproportional administrative burden. This burden can be decreased substantially if the required period would be extended to 5 year. Of course in the case of significant changes in the operation of the port (within the 5 years period) an adjusted plan should also be prepared and re-approved.
2. Wrt exemptions: For an exempted ship it should not be needed to pay a waste fee (art.8) 'as long as there is proof of a (financial) contract with a PRF. Otherwise a ship would still have to pay disproportionately if it visits the port of delivery very frequently.
3. Wrt sewage: If discharge of sewage is (conditionally) allowed according to MARPOL or national law, this should be taken into account when calculating the dedicated storage capacity for sewage.

B.3.5 Possible measures to address the driver of inconsistent application of exemptions for ships in scheduled traffic with frequent and regular port calls

31. Which of the following measures are in your opinion effective for addressing the driver of "the inconsistent application of exemption for ships" as identified in the evaluation?

	Very effective	Effective	Neutral	Ineffective	Very ineffective	Do not know / have no firm opinion

Develop common criteria to be applied for the approval of exemption requests	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mandatory reporting and exchange of information on exemptions through the Common Information and Monitoring System	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introduce an option to exempt vessels that operate exclusively within one port (tug vessels, pilot vessels, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Addressing requirements in the PRF Interpretative Guidelines, supplemented by an exchange of good practices of port user involvement.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*32. Are there any other measures which could address the driver of inconsistent application of exemptions for ships under the Directive, and which have not been addressed in the questions above?

No
 Yes (please specify)

Section C:
Additional questions

33. Are there any measures which could address the problem of (illegal) discharges of ship generated waste and cargo residues at sea, which are not covered in the Directive, and which are not mentioned in the questions above?

No
 Yes (please specify)

If yes, please specify
 2,000 character(s) maximum

The Netherlands is in favor of a stricter mandatory delivery requirement for ships with destination unknown or non-EU ports. There are several reasons for this:

- It would be more in line with the Regulation on the shipment of waste (No 1013/2006), which is reluctant with regard to the shipment of waste to third countries.
- In most ports outside the EU there are no incentives to encourage the delivery of ship generated waste to PRF.
- PRF in the EU have to comply with the PRF directive and EU waste regulations. In third countries PRF availability and waste treatment management may be more questionable.
- Enforcement of ships that depart to an EU-port is more feasible (mandatory Advanced Waste Notification in port of arrival and departure, information exchange etc.).

The favored policy line is already successfully implemented in the Netherlands. For ships with a non-EU port or unknown destination the requirements with regard to available dedicated storage capacity before departure are stricter than for ships with a next port call in the EU.

34. Are there any additional issues you wish to raise in the context of the PRF Directive? Are there any recent data, studies or documents that you believe are directly relevant to the Impact Assessment for the revision of the Directive, and would like to share with the Commission? If so, please give more details and/or references
 5,000 character(s) maximum

The Dutch government and Dutch maritime stakeholders collaborate on improving the interface between ship and shore in relation to waste management. In a Green Deal the ambitions, goals and actions have been agreed on and the actions are now being implemented. Important spearheads are waste prevention on board, separate delivery of plastics, risk based waste inspections and harmonisation of PRF procedures.

Also in the OSPAR framework we investigate if waste prevention and waste separation on board can be accommodated in the ports in a harmonised OSPAR way.

The aforementioned initiatives would benefit from measures that would include the waste hierarchy and the green ship concept in the Directive.

35.

Please upload any documents (supporting documents, positions papers) which you would like to attach to your reply.

Useful links

About this consultation (http://ec.europa.eu/transport/modes/maritime/consultations/2016-prf_en.htm)
(http://ec.europa.eu/transport/modes/maritime/consultations/2016-prf_en.htm)

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