



Council of the  
European Union

Brussels, 29 March 2019  
(OR. en, de)

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Interinstitutional File:  
2018/0012(COD)

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7881/19  
ADD 1

CODEC 790  
TRANS 226  
MAR 79  
ENV 346  
IA 111

**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC ( <b>first reading</b> ) - Adoption of the legislative act - Statements

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**Statement by the Commission**

Directive 2005/35/EC on ship-source pollution complements the Union legal framework governing the ship-source discharges of polluting substances, which also includes the Directive on port reception facilities for the delivery of waste from ships ('the PRF Directive'), by providing the Union legal mechanisms for implementing and enforcing the discharge regulations under the MARPOL Convention. To this end, Directive 2005/35/EC should take into account the scope of the PRF Directive, in particular as regards the polluting substances and waste streams.

Considering that the current Directive 2005/35/EC only covers the substances and discharge regulations falling under MARPOL Annexes I and II, and as such is not fully aligned with the PRF Directive in terms of scope (the new PRF Directive will cover waste as defined in MARPOL Annexes I, II, IV, V and VI, and also refers to the discharge norms of those MARPOL Annexes), the Commission takes note of the co-legislators' call to assess the need of reviewing Directive 2005/35/EC in order to provide for an adequate legislative framework to address ship-source pollution.

Therefore, in reference to recital 23a of the future PRF Directive, the Commission would consider undertaking, as appropriate, the process of reviewing Directive 2005/35/EC.

### **Statement by Germany**

In principle, the Federal Republic of Germany supports the revision of Directive 2000/59/EC and the aims thereof. We welcome in particular the necessary alignment of EU law with the international legal framework in order to improve the protection of the marine environment against waste from ships.

However, the Federal Republic of Germany opposes the introduction of compulsory arrangements for cost recovery systems rather than voluntary arrangements, as Article 8(4b) of the revised Directive provided for in the original proposal. The compromise does not take sufficient account of differences in the size and structure of ports. We would underline that such decisions on port fees fall within the competence of the Member States. Overall, therefore, the Federal Republic of Germany cannot support the agreement reached at the third trilogue.

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