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Port reception facilities for the delivery of waste from ships

Impact assessment (SWD(2018) 21, SWD(2018) 22 (summary)) of a Commission proposal for a directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending the Port State Control Directive 2009/16/EC and Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States (COM(2018) 33)

Background

This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's [impact assessment](#) (IA) (consisting of [part 1](#) and [part 2](#)), accompanying the above-mentioned [proposal](#), submitted on 16 January 2018 and referred to Parliament's Committee on Transport and Tourism.

Ship-generated waste, such as oily waste, sewage and garbage, poses a significant threat to the marine environment (IA part 1, p.3). The current legal framework laying down the rules applicable to ship-generated waste is [Directive 2000/59/EC](#) (hereafter referred to as 'the directive'). The directive is based on the provisions of the [International Convention for the Prevention of Pollution from Ships](#) (the MARPOL Convention), which was developed by the International Maritime Organization (IMO) and regulates discharges at sea. The directive strengthens the regime established under MARPOL through a port-based approach, focusing on operations in ports, including 1) development of waste reception and handling plans in ports; 2) advance notification of waste by ships before entry into port; 3) mandatory delivery of ship-generated waste; 4) payment of fees by ships for the reception of their ship-generated waste; 5) exemptions for ships engaged in scheduled traffic; 6) inspections to verify compliance with the delivery requirements; and 7) development of an information and monitoring system.

In 2014, the Commission initiated an evaluation of the directive under the regulatory fitness programme (REFIT), and to that end launched an [evaluation study](#), which was completed in May 2015. Based on the findings of the study, the evaluation [report](#) was submitted to the Parliament and the Council in March 2016. The evaluation outcomes suggest that the directive has been relevant and has brought clear added value, but has been only partially effective, efficient and coherent. The Commission envisaged a two-stage approach as a follow-up to the evaluation: a short/medium term response mainly through soft law, and a longer-term response through a full revision of the directive. Short-term measures included the [revision of Annex II](#) of the directive to bring it in line with the latest changes in Annex V of the MARPOL Convention; the development of [interpretive guidelines](#) for the directive; and the development of a common information and monitoring system. The legislative revision of the directive was included in the [2016 Commission work programme](#) (CWP) under the [REFIT initiatives](#) aimed at implementing a deeper and fairer internal market. In the [EU action plan for the circular economy](#), the Commission referred to the planned revision of the directive as a means to address the issue of marine litter from ships.¹ Improved port reception facilities are indeed considered an important waste management tool.²

¹ An aspirational target of a 30 % reduction of marine litter found on beaches and lost fishing gear found at sea by 2020 was set by the Commission in its communication [Towards a circular economy, a zero waste programme for Europe](#).

² [EU Action to combat marine litter](#), Policy Department for Economic and Scientific Policy, European Parliament, May 2017.

According to the IA (part 1, pp.8-9), the directive also has strong links with EU environmental legislation, especially the [Waste Framework Directive](#) and the [Marine Strategy Framework Directive](#).

Problem definition

The problem definition provided in the IA is based on the findings of the REFIT evaluation study. The IA identifies **two main problems** (IA part 1, pp.10-19):

1. Ship-generated waste and cargo residues discharged at sea

According to the IA, an estimated 7 %-34 % of garbage,³ 10 % of sewage and 2.5 % of oily waste generated by merchant shipping is not delivered at port reception facilities. This so-called 'waste gap' could potentially be being discharged illegally. While data on cargo residues and waste from fishing and recreational craft is limited, some available data suggest that the share of fishing and recreational vessels in the total annual on-board generation of garbage is 30 % and 19 % respectively (IA part 2, p.41). Discharges of ship-generated waste and cargo residues cause damage to marine ecosystems and resources. The overall clean-up costs at EU level associated with ship-source pollution are estimated to be between €357 million and €597 million annually (damage to beaches and fishermen) and between €9 000 and €49 000 per tonne of oil spilled (shoreline clean-up).

2. Administrative burden associated with the implementation of the directive

The implementation of the directive creates a substantial administrative burden for ports, port users and the relevant competent authorities, amounting to €127 million annually (IA part 1, p.19). This burden includes the costs of developing, assessing and monitoring the waste reception and handling (WRH) plans; applying exemptions for ships in regular and scheduled traffic; giving advance waste notification; monitoring and exchanging information; setting up and operating cost recovery systems; and conducting inspections of the mandatory delivery obligation.

There are five problem drivers affecting the two main problems, according to the IA (part 1, pp.20-30):

1) Inadequate reception and handling of waste by port reception facilities

Many ports do not provide for separate collection of waste; using a derogation under the Waste Framework Directive, they collect garbage in one container for further disposal. Port users are not properly consulted in the development, implementation and revision of the WRH plans. Fishing and recreational ports often do not have a WRH plan. There is no EU mandatory delivery obligation nor any obligation for the provision of facilities adequate for the reception and handling of sludge and bleed-off water from exhaust-gas cleaning systems (MARPOL Annex VI on the prevention of air pollution from ships), because this type of waste is not included in the scope of the directive.

2) Insufficient cost incentives for the delivery of ship-generated waste

The directive requires that the costs of port reception facilities are covered through the collection of a fee from ships. Currently, EU ports apply different models of cost recovery systems, ranging from 100 % indirect fees charged to ships irrespective of their use of facilities, to 100 % direct fees based on the volumes of waste discharged. Ports do not always provide information on their fee system for waste handling, and if they do, the relationship between the fees charged and the cost of the waste-handling process is not clear. Fishing and recreational vessels carrying fewer than 12 passengers are exempt from the indirect fee, but the delivery of waste by such vessels is still mandatory. For them, having to pay a direct fee for the volume of waste delivered is not a sufficient incentive to actually deliver waste to the port.

3) Ineffective and insufficient enforcement of the mandatory delivery obligation

The directive prohibits all discharges at sea by imposing a strict delivery obligation applicable to all waste, except when the ship has sufficient storage capacity on board until the next port of delivery. Since there is no definition of 'sufficient storage capacity', Member States apply different interpretations and thresholds. Waste notification forms are not sufficiently used, and it is difficult to select ships for inspection based on the criteria laid down in the directive. There is legal uncertainty over what the appropriate framework for inspections is, since inspections may be conducted within the framework of the Port State Control [Directive 2009/16/EC](#), which –

³ Land-based sources are dominant in generating marine litter (IA, p.11).

with respect to waste – verifies compliance with MARPOL but not with the Port Reception Facilities Directive. Not all port authorities keep track of the specific amounts of waste delivered to their port over time, as the electronic means for doing so are generally not in place and there is no legal requirement for it. Control procedures for fishing vessels and small recreational craft are lacking because of exemptions provided for in the directive.

4) *Inconsistent and outdated definitions and forms*

There are differences between the definitions used in the directive and those used in the MARPOL convention, in particular for 'ship-generated waste' and 'cargo residues'. The resulting different reporting requirements and forms to be filled out create confusion among those implementing the directive and complicate compliance with MARPOL.

5) *Inconsistent application of exemptions for ships in scheduled traffic*

The parameters for granting exemptions are not well defined and leave room for different interpretation and application by Member States. The inconsistent application and the lack of information exchange result in multiple inefficiencies for ports, port users and competent authorities.

The IA provides a comprehensive problem analysis and includes a 'problem tree' diagram, depicting the main problems, problem drivers and root causes (IA part 1, p.20). The discussion of problems and their drivers is supported by literature sources, studies, either externalised or produced in-house by the Commission, stakeholder consultation results, and reports by the European Maritime Safety Agency (EMSA). Overall, the problem definition provided in the IA is coherent and clear.

Objectives of the legislative proposal

The two **general objectives** of the Commission proposal have been defined as follows (IA part 1, p.35):

1. Reduction of discharges of ship-generated waste at sea;
2. Reduction of the administrative burden on ports, port users and competent authorities.

To achieve the general objectives, the following **specific objectives** have been developed (IA part 1, p.36):

1. Ensure the availability of adequate facilities;
2. Provide effective (cost) incentives to deliver waste-to-port reception facilities;
3. Remove barriers to enforcement;
4. Harmonise and update definitions and norms;
5. Harmonise the rules for exemptions.

The general objectives align with the two main problems identified and the specific objectives align with the problem drivers. In addition, the IA states that the proposal seeks to contribute to the wider objectives of the circular economy by helping to improve the waste-handling process and to reduce marine litter from ships (IA part 1, p.35). No further specifications on how to achieve this reduction are given. The IA sets seven operational objectives under the preferred option (IA part 1, p.76) and specifies their indicators and data sources. However, as these objectives only paraphrase the general and the specific objectives, they are neither sufficiently specific nor time-bound (SMART), as the Better Regulation (BR) Toolbox ([Tool #16](#)) requires.

Range of options considered

The IA **discarded** five policy measures. These are summarised below, including the reasons why they were discarded (IA part 1, pp.41-44):

- introduction of an EU discharge prohibition: this would deviate from the approach taken by Directive 2005/35/EU on ship-source pollution and would deepen inconsistencies between the EU and international standards;
- full alignment with MARPOL: abandoning the EU's port approach would have a negative impact on the delivery of waste to ports and has never been advocated by stakeholders;
- provision of a delivery exception in case port reception facilities are (temporarily) unavailable: this risks introducing a loophole with regard to the main obligations and is already addressed through the advance waste notification;

- exemption of smaller ports and marinas from the obligation to develop a WRH plan: current provisions leave a sufficient degree of flexibility to national authorities (e.g., one plan covering several ports);
- requirement for fishing vessels and small recreational craft to submit an advance waste notification: this would impose considerable administrative costs on the vessel operators and national authorities.

The policy options have been devised in such a way as to provide clearly identifiable packages of policy measures focusing on the objectives outlined in the IA. These options are summarised below.

Option 1 – Baseline scenario

According to the IA, soft-law measures that have been developed by the Commission and the EMSA in the short-term, such as the [revision of Annex II](#) of the directive, the development of [interpretive guidelines](#) and the common information and monitoring system, could help improve its implementation (IA part 1, p.45). However, it is still too early to assess the impact of these initiatives and the guidelines are not legally binding on the Member States. The current legal inconsistencies between the directive and MARPOL would continue to exist, namely as regards the scope of the mandatory delivery obligation, the definition of 'garbage' and 'cargo residues' (MARPOL, Annex V), a new category of waste from exhaust-gas cleaning systems and ozone-depleting substances (MARPOL, Annex VI), and sewage (MARPOL, Annex IV). The autonomous growth of both the shipping industry and waste generation is likely to be above 5 % volume growth per year (IA part 1, p.34).

Option 2 – Minimum legislative revision of the directive

Option 2 builds on the baseline scenario, complemented by concise legal adjustments to the text of the directive: the inclusion of exhaust-gas cleaning systems waste in line with MARPOL, Annex VI; an update of the legal references; and further clarification of the concept of 'adequacy'. Additionally, this option envisages soft-law measures to provide for better incentives for the delivery of waste: a shared methodology to calculate the indirect fee; measures to reduce the amount of waste produced on board; and schemes to deal with passively fished waste from fishing vessels. Lastly, option 2 would strengthen the requirements on the need to systematically consult with stakeholders when developing and updating WRH plans.

Option 3 – alignment with MARPOL

Option 3 seeks further alignment of the directive with MARPOL, but without abandoning the EU's port approach. The mandatory delivery obligation in the directive would be aligned with the MARPOL discharge norms, i.e. waste that cannot be discharged at sea under MARPOL would be delivered to EU ports by ships calling at them, while oily waste and sewage would be legally discharged under certain conditions. The interpretation of the 'sufficient storage capacity' exception would be more flexible and would take account of MARPOL legal discharges until the next port of entry. The definition of 'ship-generated waste' and 'cargo residues' would be fully aligned with MARPOL, including its Annexes I (oily waste), II (noxious liquid substances), V (garbage) and VI (exhaust-gas-cleaning-systems waste). By extension, the waste notification form and the waste receipt form would be aligned with the MARPOL categories of waste. Option 3 would also bring the directive's inspections fully under the Port State Control Directive, which would be amended to allow for simultaneous checks of compliance with MARPOL and EU requirements. In addition, option 3 would include the following measures (IA part 1, Table 9, pp.49-51):

- 1) reinforcing the waste hierarchy in line with the Waste Framework Directive to promote separate collection of waste in ports;
- 2) strengthening the requirements for systematic consultation of stakeholders;
- 3) clarifying the concept of 'adequacy' in line with international guidance;
- 4) introducing a shared methodology to calculate indirect fees;
- 5) further improving provisions for 'green ships' by incentivising measures to reduce the amount of waste produced on board;
- 6) extending the electronic monitoring and information system to ensure better reporting and exchange of information;
- 7) developing common criteria for exemptions;
- 8) clarifying in the text of the directive that vessels operating exclusively within one port can also be exempted, provided they comply with the relevant conditions.

Option 4 – EU port reception facilities regime beyond MARPOL

Option 4 seeks to further strengthen the EU regime for the delivery of ship-generated waste to ports. The mandatory delivery requirement would apply to all waste, with express reference to waste that can be legally discharged under MARPOL. The interpretation of the 'sufficient storage capacity' exception would not take account of MARPOL legal discharges and would not be allowed if the next port of call is located outside the EU. Option 4 would keep the distinction between 'ship-generated waste' and 'cargo residues', as there are no valid reasons for subjecting the latter to the stricter EU regime. Cargo residues would thus continue to be delivered under MARPOL. As a consequence, the waste notification form and the waste receipt form will be aligned with MARPOL to the extent possible. Option 4 would replace the existing 25 % minimum inspection requirement with a risk-based approach: inspections will be done based on the advanced waste notification and waste receipts reported and exchanged between Member States. Option 4 would also include measures 1) to 8) set out under option 3.

Options 3b and 4b – additional focus on marine litter

An option variant has been defined for options 3 and 4 to specifically address the issue of marine litter from ships (mostly covered by MARPOL Annex V on waste). This variant includes the following measures that can, according to the IA, make an effective contribution to reaching the overall reduction target set in the context of the circular economy, although neither the target nor the contribution are specified (IA part 1, p.48 and Table 9, pp.49-51):

- introducing a 100% indirect fee for garbage;
- including passively fished waste into the scope of the directive and into the indirect fee regime;
- including fishing vessels and small recreational craft in the indirect fee regime;
- providing an annual inspection target for fishing vessels and small recreational craft of over 100 gross tonnes (GT).

Besides these measures, options 3b and 4b include all the other measures proposed under option 3 and option 4 respectively.

The IA discusses the options in terms of their degree of alignment with MARPOL and compares the current regime for fishing vessels and small recreational craft to options 3b and 4b. However, it does not mention other related planned initiatives like the one on [reducing marine litter from single-use plastics and fishing gear](#), currently at the inception impact assessment stage. **The preferred option is option 3b.** While the overall presentation of the options' content is clear, it could have been further improved by discussing the measures contained within each option in more detail.

Scope of the Impact Assessment

The IA analyses each policy option in terms of its environmental, economic and social impacts. The assessment is mostly qualitative; quantification has only been done in relation to the enforcement costs and savings from administrative burden reduction, which are part of the economic assessment. The territorial IA (IA part 2, pp.79-92) showed generally positive effects on territorial development. The IA includes an environmental vulnerability assessment per sea basin (Mediterranean Sea, Black Sea, Baltic Sea and East Atlantic) and per type of waste (IA part 2, Annex 8, pp.93-103). According to this assessment, negative environmental effects are higher for garbage, followed by oily waste and sewage, for all sea basins (IA part 1, p.56; IA part 2, p.102). The options are compared in terms of effectiveness, efficiency, coherence and proportionality in line with the recommendations of the [BR Guidelines](#). Options 3b and 4b will generate the highest environmental benefits, as they are the most effective in reducing garbage (IA part 1, p.56). For the preferred option 3b, total inspection costs are estimated at €144 000 per year⁴ (approximately 17 000 inspections, based on port state control data), and a decrease in the administrative burden is expected for waste notifications (€2 880 000 per year), exemptions (€4 100 000 per year), and inspections of freights and passenger ships (€386 000 per year), as specified in Table 14, IA part 1,

⁴ It should be noted that the IA presents this as a decrease in enforcement costs, based on a baseline assumption of a 25 % inspection requirement set out in the directive (19 500 inspections, €429 000 annually). However, Member States currently do not meet this requirement and the actual number of inspections recorded in the database is 1 166 (€25 629 annually).

p.67. The preferred option is expected to generate additional compliance and operational costs due to extra capacity to receive waste from the introduction of exhaust-gas cleaning systems and separate collection schemes; a shift to a 100 % indirect fee for garbage in the Netherlands, Belgium, Greece and Malta (quantification of these costs was not possible, according to the IA); and an increase in inspection costs for fishing and recreational craft (€41 000 per year).

Subsidiarity/proportionality

The Commission proposal is based on Article 100(2) TFEU (provisions for sea transport). According to the IA, the need for EU action is justified because shipping is an international sector that has, by its very nature, a strong cross-border dimension. The IA shows the need for EU action by giving two examples of inefficient functioning of the market: 1) ships keeping their waste on board until delivery in the port where it is economically most advantageous, and 2) different exemption conditions for a ship in scheduled and regular traffic in each and every port along the ship's route (IA part 1, p.34). According to the Commission, harmonisation at EU level will be necessary to ensure a level playing field for both ports and port users. At the same time, subsidiarity should apply at the level of implementation of common rules and principles. Member-State authorities are best placed to define the level of the fees to be charged for the reception and handling of ship-generated waste, as well as to determine the level of detail and regional coverage of the WRH plans (IA part 1, p.35).

The IA examines the regulatory options in the light of the principle of proportionality (IA part 1, pp.72-74). To address marine litter effectively, it considers it important to include fishing vessels and recreational craft more comprehensively in the scope of the directive, given their relatively high contribution to the marine litter problem at sea. Since enforcement might be disproportionate as regards smaller vessels, options 3b and 4b propose to only apply these measures to vessels over 100GT, which account for less than 3.6 % of all EU fishing vessels but represent more than 65 % of the total EU fishing fleet tonnage. At the time of writing no national parliament has submitted a reasoned opinion on this proposal. The deadline for doing so is 19 March 2018.⁵

Budgetary or public finance implications

The IA does not provide any information about implications for Member States' budgets or the EU budget. According to the proposal's explanatory memorandum, there are no consequences for the EU budget.

SME test/Competitiveness

On average, SMEs constitute 54% of the entities working in the EU's fishing industry (Eurostat data, quoted in the IA part 1, p.64). There are a significant number of SMEs in the recreational sector as well. The most notable impact on SMEs, according to the IA, is expected to come from options 3b and 4b, which envisage including fishing vessels and recreational craft over 100GT both in the payment of indirect fees and in the directive's inspection regime. Currently, these vessels have to pay a direct fee for the waste they deliver, while the proposed indirect fee should give them the right to deliver all their waste (including passively fished waste, which is not part of the operational or household waste of the vessel itself), without having to pay direct fees. The idea of advanced reporting by these vessels has been discarded as this would be a disproportionate measure, and a threshold has been applied (100GT and above) for the inspection part. There would be an increase in the administrative burden – estimated at €41 000 per year – due to ship crews' involvement in inspections. In terms of benefits, a cleaner marine environment and cleaner beaches should have a positive effect on the tourism sector and the local economy (IA part 1, p.64). The IA does not contain an SME test in the sense of [Tool #22](#) of the BR Guidelines. Policy options 3 and 4 are expected to generate a positive impact on competitiveness and innovation, since they include measures that would provide for a more level playing field for both ports and port users, as well as incentive measures that reduce the amount of waste produced on board.

⁵ See the Platform for EU Interparliamentary Exchange (IPEX).

Simplification and other regulatory implications

According to the IA (part 1, p.74), the preferred option fully delivers on the REFIT-related objectives of the revision, in particular as regards simplifying the regulatory framework and reducing the administrative burden. By way of seeking further alignment with MARPOL, inconsistencies between the EU framework and the international regime would be removed and parallel reporting would be avoided. Increasing electronic reporting and exchange of information on the one hand, and integrating inspections within the port state control framework following a risk-based approach, on the other, would significantly reduce the burden on ports, port users and authorities in the Member States.

Quality of data, research and analysis

The IA is informed by the results of the ex-post evaluation, itself supported by an external fact-finding [study](#) completed in May 2015. The IA [supporting study](#) was also externalised by the Commission. The evidence used in the IA is rather broad and is listed in Annex 1 (IA part 2, pp.5-9). The 'waste gap' model⁶ and the methodology behind the environmental vulnerability analysis are explained in Annex 4 (IA part 2, pp.26-31). The IA openly states the assumptions applied in the analysis, highlights the limitations of both the data and the model, and provides calculations in Annex 5 (waste volumes) and Annex 9 (administrative burden and enforcements costs). While it was not possible to quantify the expected increase in waste deliveries, the IA points out that even slight changes in waste delivery would have a substantial environmental impact. Thus, every 1 % increase in deliveries would result in a decrease of the waste gap by 2-14 % for garbage, 40 % for oily waste and 9 % for sewage, whereas every 1 % increase in discharges of garbage at sea may result in €1.6-2.3 million of beach clean-up costs, €1.2-€1.6 million of damages to the fishing sector, and costs to the marine ecosystems that cannot be monetised (IA part 1, p.55). It has been difficult to obtain information about compliance costs (including investment costs) from ports, as it involves commercially sensitive data (IA part 1, p.59). The methodology and the outcomes of the territorial IA are provided in Annex 8 (IA part 2, pp.79-92). The overall analysis seems to be reasonable, although quantification remains limited.

Stakeholder consultation

The IA identifies the stakeholders affected by the problem and the proposed initiative as ports, Member State competent authorities, operators of port reception facilities (including terminal operators), ship owners, the fishing industry and EU citizens (IA part 2, pp.24-25). Six consultation activities were conducted (IA part 2, p.10):

1. A dedicated subgroup of the European Sustainable Shipping Forum (seven meetings, the last three of which focused primarily on the IA);
2. Open public consultation (12 weeks, 79 responses and two additional responses after the deadline);⁷
3. A targeted survey for port stakeholders and a targeted survey for fisheries (78 and 48 responses respectively);
4. Interviews with key stakeholders representing the various affected sectors (50 interviews in total);
5. Case studies conducted in five ports representing different European sea basins, covering both small and larger ports, cargo and passenger ports;
6. Expert workshop in the context of a territorial IA (17 participants).

The stakeholders were consulted on the problem drivers and the various policy measures for a possible revision of the directive. The stakeholders' views were reflected in the problem definition and the impact analysis sections of the main IA report. According to the IA (part 1, p.72), stakeholders had generally expressed preference for further alignment with MARPOL (preferred option) as the more efficient option; however, the IA does not provide a breakdown of the stakeholders' views by option. The majority of respondents to the open public consultation evaluated the policy measures proposed under option 3b (the preferred option) as effective or very effective. Since the open public consultation addressed a technical directive, the Commission did not expect the general public to be the major participating party, and this appears to have been the case. Responses

⁶ The MARWAS model was used to calculate the 'waste gap' based on data from 29 ports that represent 35 % of the throughput of all EU merchant ports: expected waste delivery volumes were compared with the actual delivery volumes from these ports.

⁷ The [summary](#) of the open public consultation is available online.

to the targeted survey for fisheries were not conclusive as there was an equal number of opposite views on the proposed measures (IA part 2, p.22). A synopsis of the stakeholder consultations is included in the IA (part 2, pp.10-23) in line with the BR Guidelines.

Monitoring and evaluation

According to the IA (part 1, p.75), the Commission services will carry out an evaluation five years after the implementation date of the proposed legislation. According to article 23 of the proposal, the Commission will evaluate the directive no later than seven years after its entry into force.

Commission Regulatory Scrutiny Board

The Regulatory Scrutiny Board (RSB) issued a positive [opinion](#) with reservations on 23 June 2017. Its main criticisms were that the IA report did not sufficiently explain the added value of the directive compared to the MARPOL Convention; that it lacked a clear description of how far the policy options were in line with, or went beyond, MARPOL in terms of scope and content; and that the impact analysis did not demonstrate the proportionality of the policy options, in particular the extension of fees to fishing and recreational vessels. Annex 1 of the IA gives a detailed account of the modifications made to its text following the RSB's recommendations. Overall, the IA seems to have taken the RSB's recommendations seriously and to have largely responded to the comments in the RSB's opinion.

Coherence between the Commission's legislative proposal and IA

The proposal appears to follow the IA's recommendations, in that it is based on the preferred option 3b. However, contrary to the IA recommendations, article 6 provides for an advance waste notification for fishing and recreational craft over 45 metres long. The IA discarded this measure, because it would imply a considerable burden on the vessels concerned, even if a threshold of 100GT or 45 metres were applied (IA part 1, p.44).

Conclusions

The IA presents the problem of waste delivery in ports in a clear, coherent manner, and backs it up with the ex-post evaluation results. It develops a reasonable range of options to achieve the objectives set, in line with the BR Guidelines. The wide-ranging supporting analysis is mostly qualitative and the IA is explicit about the limitations of quantification. Stakeholder views are reflected in the problem definition and the impact analysis. The IA also includes a territorial assessment. However, the absence of an SME test in line with Tool #22 of the BR Guidelines is a weak point, especially given the relatively large share of SMEs in the fisheries and recreational sectors. Furthermore, the IA does not comment on the proposal's level of coherence with related EU policies, such as the Marine Strategy Framework Directive, the circular economy action plan, or the upcoming initiative on reducing marine litter from single-use plastics and fishing gear. Lastly, it is worth noting that the proposal went against the IA findings by including fishing and recreational vessels over 45 metres long within the scope of advance waste notification – a measure discarded by the IA due to the considerable burden for the vessels concerned.

This note, prepared by the Ex-Ante Impact Assessment Unit for the European Parliament's Committee on Transport and Tourism (TRAN), analyses whether the principal criteria laid down in the Commission's own Better Regulation Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal. It is drafted for informational and background purposes to assist the relevant parliamentary committee(s) and Members more widely in their work.

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