



Committee on Fisheries

2018/0012(COD)

13.7.2018

OPINION

of the Committee on Fisheries

for the Committee on Transport and Tourism

on the 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 Directive 2009/16/EC and Directive
2010/65/EU
(COM(2018)0033 – C8-0014/2018 – 2018/0012(COD))

Rapporteur for opinion: Cláudia Monteiro de Aguiar

PA_Legam

AMENDMENTS

The Committee on Fisheries calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The United Nations Sustainable Development Goal 14 calls attention to the threats of marine and nutrient pollution resource depletion and climate change, all of which are caused primarily by human actions. Those threats place further pressure on environmental systems, like biodiversity and natural infrastructure, while creating global socio-economic problems, including health, safety and financial risks. The European Union must work to protect marine species and support the people who depend on oceans, whether it be for employment, resources or leisure.

Amendment 2

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Fisheries sector initiatives aimed at reducing fishing waste or retrieving plastic waste, including lost fishing gear, should be welcomed.

Amendment 3

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Directive 2008/98/EC lays down the main waste management principles, including the "polluter pays" principle and the waste hierarchy, which calls for the reuse and recycling of waste over other forms of waste recovery and disposal and requires the establishment of systems for the separate collection of waste. **These** obligations also apply to the management of waste from ships.

Amendment

(11) Directive 2008/98/EC lays down the main waste management principles, including the "polluter pays" principle and the waste hierarchy, which calls for the reuse and recycling of waste over other forms of waste recovery and disposal and requires the establishment of systems for the separate collection of waste.
Furthermore, the extended producer responsibility concept is a guiding principle of Union waste law, on the basis of which producers are responsible for the environmental impacts of their products throughout their life-cycle. Those obligations also apply to the management of waste from ships.

Amendment 4

**Proposal for a directive
Recital 18 a (new)**

Text proposed by the Commission

Amendment

(18a) In certain Member States, schemes have been set up to provide financing for fishermen for the costs that they might incur as a result of delivering fishing gear waste or actively and passively fished waste ashore. Those schemes could be supported by extended producer responsibility schemes, which could complement the cost recovery systems set up in accordance with this Directive. As such, those cost recovery systems should not create a disincentive for fishing vessels and port communities to participate in existing delivery schemes for actively and passively fished waste.

Amendment 5

**Proposal for a directive
Recital 18 b (new)**

(18b) To promote the delivery of passively fished waste collected in nets during normal fishing operations, Member States should cover the costs associated with its collection in port reception facilities and subsequent management, with revenues generated by alternative income sources.

Justification

It is important that this Directive also addresses passively fished waste. The delivery of passively fished waste should not result in additional costs on fishing vessels. The costs of collection of passively fished waste in port reception facilities and subsequent treatment should be financed by alternative income sources.

Amendment 6

Proposal for a directive

Recital 19

(19) The ‘Green Ship’ concept should be ***further developed*** in relation to waste management, so that an effective reward system can be implemented for those vessels that reduce their waste on board.

(19) The ‘Green Ship’ concept should be ***implemented*** in relation to waste management. ***Minimum requirements should be established across the Union***, so that an effective reward system can be implemented for those vessels that reduce their waste on board, ***in line with best practices and the 2017 IMO guidelines for the implementation of Annex V of the MARPOL Convention. In addition, reduction of waste is primarily achieved through effective on board waste segregation in line with the IMO guidelines for MARPOL Annex V and standards developed by the International Standardization Organization.***

Justification

The ‘Green Ship’ concept should be implemented right now, particularly since clear guidelines already exist for it.

Amendment 7

Proposal for a directive Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Plastic fishing gear has a high recycling potential, in particular when designed properly. Therefore, in line with the polluter pays principle, extended producer responsibility schemes should be established to finance sound waste management of fishing gear and components and to achieve high collection rates.

Justification

The requirements for ‘extended producer responsibility’ (EPR) should also be set for fishing gear.

Amendment 8

Proposal for a directive Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) The specific characteristics of the Outermost Regions, recognised in Article 349 TFEU, must be considered when ensuring the adequacy of port reception facilities in regions that might not be able to comply with. Their special status must therefore be taken into consideration. For that reason, it is necessary for Member States to be able to adopt specific funding measures so that they can ensure the availability of adequate reception facilities.

Amendment 9

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) ‘waste from ships’ means all waste, including cargo residues, which is generated during the service of a ship or during loading, unloading and cleaning operations, ***or waste that is collected in nets during fishing operations***, and falls under the scope of Annexes I, II, IV, V and VI to MARPOL;

Amendment

(c) ‘waste from ships’ means all waste, including cargo residues, which is generated during the service of a ship or during loading, unloading and cleaning operations, and falls under the scope of Annexes I, II, IV, V and VI to MARPOL.

Justification

All forms of waste related to fishing should be defined in order to guarantee that unfair obligations are included, as such fish waste related to on-board operation.

Amendment 10

Proposal for a directive

Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ‘waste from fishing vessels’ means all waste which is generated during the service of a fishing vessel or during loading, unloading and cleaning operations, and falls directly and individually under the scope of Annexes I, II, IV, V and VI to MARPOL, but excluding fresh whole or non-fresh fish from fishing activities conducted during the voyage or aquaculture activities.

Justification

All forms of waste related to fishing should be defined in order to guarantee that unfair obligations are included, as such fish waste related to on-board operation.

Amendment 11

Proposal for a directive

Article 2 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) ‘waste passively collected’ means waste that is collected in nets during fishing operations.

Justification

All forms of waste related to fishing should be defined in order to guarantee that unfair obligations are included, as such fish waste related to on-board operation.

Amendment 12

Proposal for a directive

Article 2 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) ‘waste actively collected’ means waste that is collected during non-fishing trips with the sole purpose of removing marine litter from the sea;

Justification

All forms of waste related to fishing should be defined in order to guarantee that unfair obligations are included, as such fish waste related to on-board operation.

Amendment 13

Proposal for a directive

Article 2 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ‘fishing trip’ means any voyage of a fishing vessel during which fishing activities are conducted, starting at the moment when the fishing vessel leaves port and ending on arrival in the port of departure or another port where unloading is carried out;

Amendment 14

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) Member States shall establish extended producer responsibility schemes for fishing gear and fishing gear components that meet the minimum requirements as set out in Article 8a of Directive 2008/98/EC and include modulated financial contributions that encourage the placing on the market of fishing gear designed to promote recycling;

Justification

Member States should adopt and implement mandatory extended producer responsibility (EPR) schemes at fishing ports in conformity with the minimum operating conditions as set out in the revised Waste Framework Directive, with an emphasis on modulated fees to encourage the design of gear to allow ease of recycling.

Amendment 15

Proposal for a directive

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Given the specific characteristics of the Outermost Regions, recognised in

Article 349 TFEU, Member States shall be able to adopt specific funding measures so that they can ensure the availability of adequate reception facilities. In addition, it shall be possible to grant Member States a two year derogation on the obligations stated above for their Outermost Regions, if those regions are considered not to be able to ensure the adequacy of port reception facilities.

Amendment 16

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

This requirement shall not apply in ***small unmanned ports*** or in remotely located ports, provided that the Member State where such a port is located has reported this information electronically in the part of the information, monitoring and enforcement system referred to in Article 14 of this Directive.

Amendment

This requirement shall not apply in ***unmanned, small ports*** or in remotely located ports, provided that the Member State where such a port is located has reported this information electronically in the part of the information, monitoring and enforcement system referred to in Article 14 of this Directive.

Justification

Whenever a ship is delivering its waste on non-working days or outside normal operating hours in small ports, these ports are likely to be understaffed and the ship may not get the waste delivery receipt.

Amendment 17

Proposal for a directive

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) If the lost fishing gear cannot be recovered, the ship's captain shall enter information about it in the logbook. The competent authority of the flag Member

State shall inform the competent authority of the coastal Member State.

Information on the lost fishing gear shall be collected and recorded by the Member States and transmitted annually to the Commission.

Justification

The draft report in the TRAN Committee, the Committee responsible, contains similar requirements but would include a delegation of authority to the Commission with regard to the reporting format. Adapting the requirements to the wording of Article 1 (42) of the proposal for a Regulation as regards fisheries controls (COM (2018) 368 final) thus avoids the creation of potentially divergent requirements.

Amendment 18

**Proposal for a directive
Article 7 – paragraph 7**

Text proposed by the Commission

7. If the next port of call is located outside the Union, **or** there are good reasons to believe that adequate facilities are not available in the next port of call, or this port is unknown, the Member State shall require the ship to deliver all its waste before departure.

Amendment

7. If the next port of call is located outside the Union, **and** there are good reasons to believe that adequate facilities are not available in the next port of call, or this port is unknown, the Member State shall require the ship to deliver all its waste before departure.

Justification

Let alone when ships still have sufficient storage capacity to continue operating without having the need to partially deliver the waste, but most importantly in light of Brexit, it is too strict to demand ships to deliver all waste to a European Union port before departure. For instance, the exemption would not be applicable to a fishing vessel leaving from France, landing the fish in an UK port and return. The same accounts for the Outermost Regions.

Amendment 19

**Proposal for a directive
Article 8 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that the costs of operating port reception facilities for the reception and treatment of waste from ships, other than cargo residues, ***shall be covered through the collection of a fee*** from ships. Those costs include the elements listed in Annex 4.

Amendment

1. Member States shall ensure that the costs of operating port reception facilities for the reception and treatment of waste from ships, other than cargo residues, ***are covered by a combination of fees collected from ships, revenues from waste management schemes and other funds.*** Those costs and revenues are listed in Annex 4.

Amendment 20

Proposal for a directive

Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) in order to provide for a maximum incentive for the delivery of waste as defined in Annex V to the MARPOL Convention, ***including the waste that has been collected in nets during fishing operations,*** the indirect fee to be charged shall cover all the costs of port reception facilities for this waste, in order to ensure a right of delivery without any additional direct charges;

Amendment

(c) in order to provide for a maximum incentive for the delivery of waste as defined in Annex V to the MARPOL Convention, ***the waste actively and passively collected by fishing vessels shall be exempt from the application of the direct fee regime provided for in this Directive.*** The indirect fee to be charged shall cover all the costs of port reception facilities for this waste in order to ensure a right of delivery without any additional direct charges.

Further measures may be established and financed at national and regional level to reduce costs and to provide incentives for fishermen to actively and passively collect waste;

In order to avoid the costs of collection in port reception facilities and subsequent treatment of passively fished waste being borne by port users, Member States shall cover those costs entirely from the revenues generated by alternative income sources listed in Annex 4;

Amendment 21

Proposal for a directive

Article 8 – paragraph 4

Text proposed by the Commission

4. The fees may be differentiated with respect to, inter alia, the category, type and size of the ship and the type of traffic the ship is engaged in, as well as with respect to services provided outside normal operating hours in the port.

Amendment

4. The fees may be differentiated with respect to, inter alia, the category, type and size of the ship, ***‘Green Ship’ recognition*** and the type of traffic the ship is engaged in, to ***the different waste types and categories defined in Annex 3 and to the different types of reception depending on the type of the port***, as well as with respect to services provided outside normal operating hours in the port.

Amendment 22

Proposal for a directive

Article 8 – paragraph 5

Text proposed by the Commission

5. The fees shall be reduced if the ship’s design, equipment and operation are such that it can be demonstrated that the ship produces reduced quantities of waste, ***and*** manages its waste in a sustainable and environmentally sound manner. The Commission shall be empowered by means of delegated acts in accordance with Article 19, to define the criteria for determining that a ship meets the requirements stated in this paragraph in relation to the ship’s on-board waste management.

Amendment

5. The fees shall be reduced if the ship’s design, equipment and operation are such that it can be demonstrated that the ship produces reduced quantities of waste, ***or*** manages its waste in a sustainable and environmentally sound manner ***through an on-board waste separation system in accordance with the management plans laid down by the national or regional authorities***. The Commission shall be empowered by means of delegated acts in accordance with Article 19, to define the criteria for determining that a ship meets the requirements stated in this paragraph in relation to the ship’s on-board waste management.

Amendment 23

Proposal for a directive

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) the arrangement under point (b) is evidenced by a signed contract with a port or waste contractor, waste delivery receipts ***and confirmation that the arrangement has been accepted by all ports on the ship's route.*** The arrangement for delivery and payment of the fee shall be made in a port located in the Union in order to constitute sufficient evidence in accordance with this paragraph.

Amendment

(c) the arrangement under point (b) is evidenced by a signed contract with a port or waste contractor ***and*** waste delivery receipts. The arrangement for delivery and payment of the fee shall be made in a port located in the Union in order to constitute sufficient evidence in accordance with this paragraph.

Justification

The obligation that all ports on the ship's route must expressly 'accept and confirm that a vessel has decided to deliver its waste, according to a waste scheme, in a certain port, adds unnecessary red tape and work load to both fishing vessels and port authorities, not contributing to the achievement of the objectives set in this Directive.

Amendment 24

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9 a

Member States dispositions

1. Member States shall ensure that all ports providing reception for fishing vessels, with the exception of remote ports or those with only a small number of fishing vessels, establish fishing-for-litter initiatives to encourage the collection and measurement of passively fished waste from normal fishing activities.

2. Such schemes should be set up in accordance with the guidelines laid out in OSPAR Recommendation 2016/1 on the

reduction of marine litter through the implementation of fishing for litter initiatives.

3. Member States may establish and maintain a national fund to support the collection of passively fished waste from fishing vessels. The fund can be used to ensure the functioning of fishing-for-litter initiatives, including the provision of dedicated on-board waste storage facilities, the monitoring of passively fished waste, education and promotion of voluntary participation in the initiative, costs of waste treatment and to cover the costs of personnel required for the functioning of such schemes.

4. Member States must ensure that data on the quantities of passively fished waste collected is collated and stored in a national or regional database for the purposes of monitoring and evaluation. Member States shall inform the Commission on the establishment of their national funds to the Commission by 31 December [two years after adoption], and shall submit biannual reports every two years thereafter on the activities funded under this Article.

Justification

Fishing for litter initiatives were first launched in 2002 in Sweden. Quantities of waste collected by such schemes can be substantial. The OSPAR Convention adopted guidelines on how to develop a fishing for litter project (OSPAR Agreement 2017-08). Such schemes are voluntary but require significant engagement to ensure that vessel crew participate in the scheme. Fishing vessels must be provided with a large, sturdy bag to separately collect waste that has been passively fished, and once back at port the waste should be weighed and the data collected before disposal. Due to the monetary cost involved in the establishment and running of such schemes, it is possible that the 100% indirect fee for garbage delivery fees in ports could be increased substantially to cover these costs. As most of the passively fished waste would not have originated from fishing activities, there is an argument that fishing vessels should not be obliged to pay for it. Indeed if they were this would provide an incentive to not participate in such activities. A national fund would spread the costs for fishing for litter across all maritime users in that area.

Amendment 25

Proposal for a directive
Article 9 b (new)

Text proposed by the Commission

Amendment

Article 9b

Extended Producer Responsibility

Member States shall establish extended producer responsibility schemes for fishing gear and fishing gear components. In addition to the minimum requirements set out in Article 8a of Directive 2008/98/EC, those schemes shall include a modulated fee to encourage the placing on the market of fishing gear designed and prepared for re-use and recycling.

Justification

Member States should adopt and implement mandatory extended producer responsibility (EPR) schemes in conformity with the minimum requirements as set out in the revised Waste Framework Directive, with an emphasis on modulated fees to encourage the design of gear to allow ease of recycling.

Amendment 26

Proposal for a directive
Annex 4 – table – column 2 a (new)

Text proposed by the Commission

Amendment

Revenues

Proceeds that arise from extended producer responsibility (EPR) scheme and national/regional funding available, including the revenue elements listed below.

- Collection, transport and treatment for non-separately collected waste (waste covered by EPR but not entering the separate collection channel, e.g. waste collected together with mixed municipal waste);

- *Public information and awareness raising;*
- *Waste prevention actions;*
- *Litter prevention and management;*
- *Enforcement and surveillance of the EPR system (including, auditing, measures against free riders, etc.);*
- *Administration, communication, and data management and reporting relative to the operation of collective schemes;*
- *Funding under the EMFF;*
- *Other funding or subsidies available to ports for waste management and fisheries.*

Amendment 27

Proposal for a directive Annex 4– subheading 1

Text proposed by the Commission

Categories of costs **for** the operation and administration of PRF

Amendment

Categories of costs **and net revenues related to** the operation and administration of PRF

Justification

It would be advisable also to specify the net revenues, since they should be used inter alia to cover the costs generated by passively fished waste.

Amendment 28

Proposal for a directive Annex 4 – table – column 2 b (new)

Text proposed by the Commission

Amendment

Net revenues

Net proceeds from waste management schemes and national/regional funding, including the revenue elements listed below.

- *Net financial benefits provided by extended producer responsibility schemes.*
- *Other net revenues from waste management such as recycling schemes.*
- *Funding under the European Maritime and Fisheries Fund.*
- *Other funding or subsidies available to ports for waste management and fisheries.*

Justification

It would be advisable also to specify the net revenues, since they should be used inter alia to cover the costs generated by passively fished waste.

Amendment 29

Proposal for a directive Annex 5 – paragraph 1

Text proposed by the Commission

[insert name of the ship] [insert IMO number] [insert name of the Flag State]
is in scheduled traffic with frequent and regular port calls at the following port(s) located in [insert name of the Member State] according to a schedule or predetermined route:

Amendment

[insert name of the ship] [insert IMO number] [insert name of the Flag State]
is in scheduled traffic **or fishing trips** with frequent and regular port calls at the following port(s) located in [insert name of the Member State] according to a schedule or predetermined route:

Justification

It is obvious that the Directive focuses mainly on maritime transport, however fishing and recreational vessels also engage in scheduled trips with frequent and regular port calls for which exemption should be made possible from the requirements on mandatory delivery of waste from ships, the advance notification of waste, and the payment of the mandatory fee at certain ports along the route.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Port reception facilities for the delivery of waste from ships
References	COM(2018)0033 – C8-0014/2018 – 2018/0012(COD)
Committee responsible Date announced in plenary	TRAN 5.2.2018
Opinion by Date announced in plenary	PECH 19.4.2018
Rapporteur Date appointed	Cláudia Monteiro de Aguiar 20.3.2018
Discussed in committee	21.3.2018 20.6.2018
Date adopted	11.7.2018
Result of final vote	+: 22 –: 1 0: 3
Members present for the final vote	Marco Affronte, Clara Eugenia Aguilera García, Alain Cadec, Richard Corbett, Linnéa Engström, João Ferreira, Sylvie Goddyn, Mike Hookem, Ian Hudghton, Werner Kuhn, António Marinho e Pinto, Norica Nicolai, Liadh Ní Riada, Ulrike Rodust, Annie Schreijer-Pierik, Remo Sernagiotto, Ricardo Serrão Santos, Isabelle Thomas, Ruža Tomašić, Peter van Dalen
Substitutes present for the final vote	Izaskun Bilbao Barandica, Giuseppe Ferrandino, Francisco José Millán Mon
Substitutes under Rule 200(2) present for the final vote	Deirdre Clune, Dieter-Lebrecht Koch, Fernando Ruas, Wim van de Camp

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ALDE	António Marinho e Pinto, Norica Nicolai
ECR	Peter van Dalen, Remo Sernagiotto, Ruža Tomašić
PPE	Alain Cadec, Wim van de Camp, Deirdre Clune, Dieter-Lebrecht Koch, Werner Kuhn, Francisco José Millán Mon, Fernando Ruas, Annie Schreijer-Pierik
S&D	Clara Eugenia Aguilera García, Nicola Caputo, Giuseppe Ferrandino, Ulrike Rodust, Ricardo Serrão Santos, Isabelle Thomas
VERTS/ALE	Marco Affronte, Linnéa Engström, Ian Hudghton

1	-
EFDD	Mike Hookem

3	0
ENF	Sylvie Goddyn
GUE/NGL	João Ferreira, Liadh Ní Riada

Key to symbols:

+ : in favour

- : against

0 : abstention