



Brussels, **XXX**  
[...](2021) **XXX** draft

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of XXX**

**defining the criteria for determining that a ship produces reduced quantities of waste and manages its waste in a sustainable and environmentally sound manner in accordance with Directive (EU) 2019/883 of the European Parliament and of the Council**

(Text with EEA relevance)

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

**defining the criteria for determining that a ship produces reduced quantities of waste and manages its waste in a sustainable and environmentally sound manner in accordance with Directive (EU) 2019/883 of the European Parliament and of the Council**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC<sup>1</sup>, and in particular Article 8(5) thereof,

Whereas:

- (1) For the purposes of the reduction of fees provided for in Article 8(4) of Directive (EU) 2019/883, the criteria in the Annex should be used.
- (2) The criteria set out in Section 1 of the Annex reflect essential efforts in reducing waste. Therefore they should be mandatory.
- (3) The additional criteria set out in Section 2 of the Annex can be applied to incentivise specific practises and equipment, which may also be useful for reducing waste. Therefore those criteria should be optional.
- (4) In order to provide for uniform conditions for the application of the fee reduction set out in Article 8(5) of Directive (EU) 2019/883, it is indispensable that Member States apply a harmonized methodology. Implementing acts adopted pursuant to Directive (EU) 2019/883 should therefore take the form of implementing regulations.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The criteria set out in Section 1 of the Annex shall be taken into account by port reception facilities or port authorities when calculating the reduction of the fee in accordance with Article 8(5), first subparagraph, point (b) of Directive (EU) 2019/883.
2. The criteria set out in Section 2 of the Annex may be taken into account by port reception facilities or port authorities when calculating the reduction of the fee in accordance with Article 8(5), first subparagraph, point (b) of Directive (EU) 2019/883.

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<sup>1</sup> OJ L 151, 7.6.2019, p. 116.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*

*The President*

[\[...\]](#)

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