



Brussels, **XXX**
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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

laying down rules for the application of Directive (EU) 2019/883 of the European Parliament and of the Council as regards the detailed elements of the Union risk-based targeting mechanism for selecting ships for inspection

(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.

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(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/EC¹, and in particular Article 11(2), second subparagraph, thereof,

Whereas:

- (1) Effective enforcement of the obligation to deliver waste to port reception facilities is paramount to effectively address the problem of marine litter and other waste from shipping entering the marine environment.
- (2) A single Union risk-based targeting mechanism should provide for uniform conditions for selecting ships for inspection in accordance with Article 11(2) of Directive (EU) 2019/883.
- (3) By establishing the Union risk-based targeting mechanism, the relevant authorities in the Member States are to have a supporting tool to fulfil the inspection commitment in accordance with Article 11(1) of Directive (EU) 2019/883.
- (4) In order to assess the risk that a ship is not complying with the obligations established in Directive (EU) 2019/883, several parameters should be taken into account, which in conjunction provide a clear indication of such risk. Those parameters should be: the non-compliance or indications of non-compliance with the requirements for the delivery of waste; the period of time elapsed since the last inspection; the existence of previous reports of non-compliance by the relevant port authorities; the previous and the next port of call; the existence of an exemption for that ship; and the information included on SafeSeaNet and in THETIS-EU.
- (5) In order to provide for uniform conditions for the selection of ships for inspection, it is indispensable that Member States apply a harmonized methodology. Implementing acts adopted pursuant Directive (EU) 2019/883 should therefore take the form of implementing regulations.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships,

¹ OJ L 151, 7.6.2019, p. 116.

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of inspections, Member States shall classify the ships referred to in Article 3(1), point (a), of Directive (EU) 2019/883, into the following risk level categories:

- (a) Risk level 1 (high risk);
- (b) Risk level 2 (medium risk);
- (c) Risk level 3 (low risk);
- (d) No risk level.

2. The risk level category for each ship shall be determined on the basis of the risk parameters set out in Table 1 of the Annex.

3. The risk level parameters set out in Table 1 of the Annex shall be applied following the methodology referred to in points 1 to 4 of the Annex.

Article 2

When complying with the inspection commitments set out in Article 11 of Directive (EU) 2019/883, Member States shall comply with the following requirements:

- (a) give priority to the inspection of ships with a higher risk level category;
- (b) randomly select for inspection every year at least 1 % of the ships.

Article 3

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
[...]