

COMMISSION IMPLEMENTING REGULATION (EU) 2022/91**of 21 January 2022****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 ⁽¹⁾, 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.

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*.

⁽¹⁾ OJ L 151, 7.6.2019, p. 116.

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

Done at Brussels, 21 January 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

SECTION 1

List of mandatory criteria referred to in Article 1(1)

Criteria	Related elements	Related Annex of the MARPOL Convention	Possible means of verification ⁽¹⁾
On-board segregation in accordance with Resolution MEPC.295(71) and ensured delivery to adequate port reception facilities that comply with Article 4(2)(d) of Directive (EU) 2019/883.	Operation and management	Annex V	Green Award, ISO 21070, Blue Angel, Green Marine, Waste Delivery Receipt, Vessel Specific Garbage Management Plan approved by vessel's classification society, ISO 14001 Environmental Management System.
Environmentally sustainable purchasing policies (reduction of packaging materials such as bulk packaging and avoiding single use plastic)	Management	Annex V	Green Award, ISO 21070, Blue Angel, Green Marine, Vessel Specific Garbage Management Plan approved by vessel's classification society, ISO 14001 Environmental Management System.

⁽¹⁾ Additional schemes may be accepted by which ships can demonstrate that they comply with the criteria.

SECTION 2

List of optional criteria referred to in Article 1(2)

Criteria	Related elements	Related Annex of the MARPOL Convention	Possible means of verification ⁽¹⁾
Use of alternative fuels ⁽²⁾ and other energy sources during voyage to port of call or at berth (e.g. shore side electricity, wind, solar)	Ship design, technology and operation	Annex I	Green Award, bunker delivery notes, oil record book, class or statutory certification, Ship Energy Efficiency Management Plan (SEEMP).
Use of a White Box System < 5ppm (to control and monitor the bilge water discharge from the vessel)	Technology and operation	Annex I	Class certificate, type approval documentation
Oily water separator (OWS) < 5 ppm	Technology and operation	Annex I	Class certificate, type approval documentation, Green Award, Clean Shipping Index (CSI), Green Marine, Blue Angel
OWS < 5 ppm + alarm system and automatic stop for ships < 10 000 GT	Technology and operation	Annex I	Class certificate, type approval documentation, Green Award, CSI, Green Marine, Blue Angel

Ship does not use oil filtering equipment for discharges, but segregates all bilge water and sludge and subsequently discharges them to port reception facilities	Operation	Annex I	Oil record book, waste receipts
Sewage treatment system in compliance with International Maritime Organisation Resolution MEPC.227(64) for all vessels, except for passenger ships when operating in Special Areas covered by Annex IV to the MARPOL Convention	Technology, operation and management	Annex IV	EU declaration of conformity in accordance with Directive 2014/90/EU of the European Parliament and of the Council ⁽²⁾ or class certificate. In addition, regular in use verification by independent verifier.
Ship does not discharge any sewage into the sea and delivers all of its untreated and/or treated sewage and/or sewage sludge to port reception facilities	Operation	Annex IV	Waste receipts
On-board reuse and recycling	Operation and management	Annex V	ISO 21070, Green Marine, ISO 14001 Environmental Management System.

⁽¹⁾ Additional schemes may be accepted by which ships can demonstrate that they comply with the criteria.

⁽²⁾ As defined in Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).

⁽³⁾ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).