

# EU tackles plastic and other waste ending up in the sea: Council approves agreement on port reception facilities

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The EU is combating the dumping into the sea of plastic, derelict fishing gear and other rubbish from ships by **providing incentives for ships to discharge their waste in ports**. Member states' ambassadors today endorsed a reform which will also ensure the provision of **adequate waste reception facilities in ports** and clarify the rules to make sure member states interpret them in a more uniform manner. The presidency reached a provisional agreement with the European Parliament on the reform on 12 December.

This reform is crucial for ensuring cleaner seas. We are putting an end to any financial advantage ships may have had in dumping their waste into the sea.

*Norbert Hofer, Minister for Transport, Innovation and Technology of Austria, President of the Council*

Under the new rules, ships will have to pay an **indirect fee**, which will give them the right to deliver their waste to a port, and which will have to be paid regardless of whether or not they deliver any waste. This fee will also apply to fishing vessels and recreational craft, which means that it will also help prevent end-of-life fishing nets and passively fished waste going directly into the sea. The fee will be based on the principle of cost recovery.

In certain cases, however, if a ship delivers an exceptional amount of waste, an additional direct fee may be charged to ensure that the costs related to receiving such waste do not create a disproportionate burden for a port's cost recovery system.

In contrast, a reduced waste fee will be applied for short sea shipping and for 'green ships', meaning vessels that can demonstrate reduced quantities of waste and sustainable on-board waste management.

In addition, the new directive will improve the efficiency of maritime

operations in port by cutting red tape for industry and other stakeholders. Its provisions will also be more consistent with EU waste legislation, for example by stipulating that ports must have waste reception and handling plans. Finally, the new directive will align EU legislation with the International Convention for the Prevention of Pollution from Ships (MARPOL), which has been amended since the current directive was adopted in 2000.

Landlocked member states which do not have ports or ships flying their flag will not be obliged to transpose the directive or certain parts of it.

The proposal was presented by the Commission in January 2018 as part of the 'circular economy package'.

## **Procedure and next steps**

The provisional agreement was endorsed by the meeting of ambassadors in the Council's Permanent Representatives Committee.

The agreed text will now undergo legal and linguistic finalisation. It must then be formally adopted, first by the Parliament and then by the Council. Following adoption, the regulation will be published in the EU's Official Journal. It will enter into force 20 days after publication. After that, member states will have two years to adopt national provisions to comply with the directive.

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## **[ESMA statement recognition of UK CCPs and CSD in no deal Brexit](#)**

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## **[More accessible products and services for EU citizens: Council approves the provisional agreement with the European Parliament](#)**

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Today the Council's Permanent Representatives Committee approved the provisional agreement reached with the European Parliament on 8 November 2018 on the proposal for a European Accessibility Act (EAA). The proposal aims at making various products and services in the European Union more accessible for persons with disabilities. It is thought that more than 80 million people in the EU are affected by some degree of disability.

The new rules will bring benefits not only to tens of millions of Europeans, but also to many elderly people in the Union. Businesses will be able to provide services or to manufacture, sell or import products across the EU benefiting from uniform requirements at EU level.

*Beate Hartinger-Klein, Federal Minister of Labour, Social Affairs, Health and Consumer Protection of Austria*

The European Accessibility Act includes accessibility requirements for key products and services such as:

- phones, computers, payment terminals or self-service terminals for buying passenger transport tickets;
- consumer banking services;
- electronic communications services, including for example phone and Internet services;
- the 112 emergency number calls;
- access to audio-visual media services;
- e-books;
- e-commerce.

The directive also includes common accessibility requirements on the user interface and functionality design of products, as well as more specific accessibility requirements for some electronic consumer equipment. For consumer products covered by the directive, packaging, installation instructions and other product information are to be accessible.

In the case of services, there are some common requirements (e.g. on webpages) and, in addition, service-specific requirements. The directive requires that support services should also be accessible.

Some examples of more specific accessibility requirements included in the directive are: self-service terminals, such as, for instance, ticketing machines or ATMs, will have to provide the possibility to use personal

headsets so that visually impaired persons be able to follow audio instructions. Where a self-service terminal provides for visual modes of operation, it shall provide at least one mode of operation that does not require user perception of colour.

Micro-enterprises /fewer than 10 employees and an annual turnover below €2 million/ that provide services are exempted from the directive and those providing products will be exempted from some obligations. As a whole, the directive avoids imposing a “disproportionate burden” on the economic operators.

## **Background and next steps**

The Commission presented its proposal in December 2015. The negotiations between the Council and the European Parliament started in March 2018 and ended with a provisional agreement on 8 November 2018. Following today’s approval of the agreement by the Permanent Representatives Committee, the directive will be sent to the European Parliament for adoption in the plenary. The final adoption in the Council is planned to take place in a Council meeting next year.

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## **[ESMA to renew restrictions on CFDs for a further three months from 1 February 2019](#)**

ESMA has carefully considered the need to extend the intervention measure currently in effect. ESMA considers that a significant investor protection concern related to the offer of CFDs to retail clients continues to exist. It has therefore agreed to renew the measure from 1 February 2019 on the same terms as the previous renewal decision that started to apply on 1 November 2018.

### **Renewal of restriction on CFDs**

The renewal was agreed by ESMA’s Board of Supervisors on 18 December 2018 and includes renewing the following:

1. Leverage limits on the opening of a position by a retail client from 30:1 to 2:1, which vary according to the volatility of the underlying:
  - 30:1 for major currency pairs;
  - 20:1 for non-major currency pairs, gold and major indices;
  - 10:1 for commodities other than gold and non-major equity indices;

- 5:1 for individual equities and other reference values;
- 2:1 for cryptocurrencies;

2. A margin close out rule on a per account basis. This will standardise the percentage of margin (at 50% of minimum required margin) at which providers are required to close out one or more retail client's open CFDs;

3. Negative balance protection on a per account basis. This will provide an overall guaranteed limit on retail client losses;

4. A restriction on the incentives offered to trade CFDs; and

5. A standardised risk warning, including the percentage of losses on a CFD provider's retail investor accounts. The standardised risk warning will continue to allow use of the additional abbreviated risk warning introduced in the previous renewal decision for cases where the standard terms of a third party marketing provider have a character limit which is lower than the number of characters comprising the full or the abbreviated risk warning, provided that the advertisement also links to a webpage of the provider on which the full risk warning is disclosed.

#### **Next steps**

ESMA intends to adopt the renewal measure in the official languages of the EU in the coming weeks, following which ESMA will publish an official notice on its website. The measure will then be published in the Official Journal of the EU and will start to apply from 1 February 2019 for a period of three months.

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## **EU's internet domain name .eu – Council approves agreement on updated governance**

The **.eu** is the **EU's top-level internet domain name** under which any person, organisation or business based in the EU – and soon any European citizen living outside the EU as well – can register their own domain name. The **.eu governance** rules are being revised, and today member states' ambassadors **endorsed the provisional agreement** on this reform, which was reached by the presidency with the European Parliament on 5 December.

.eu is an essential building block for European online identity. It is important that its governance structures are up to date and future-proof, so that this easily recognisable label can continue to foster innovation and encourage European businesses and citizens

to be active in the online single market.

*Norbert Hofer, Minister for Transport, Innovation and Technology of Austria, President of the Council*

The .eu top-level domain has over 700 accredited registrars worldwide and a registry operator based in Belgium. The revision maintains the current rule that the registry must be a non-profit organisation, as is also common practice elsewhere in the world.

The governance of the .eu domain will be made more transparent by setting up a multi-stakeholder group to advise the Commission on the implementation of the rules. Its members will include representatives from the private sector, civil society and international organisations, among others.

EU citizens will have the right to register a .eu top-level domain name regardless of their place of residence.

With nearly 4 million registrations, the .eu top-level domain is one of the largest international country code top-level domains (ccTLDs). It contributes to a safe and secure online environment and ensures a pan-European presence in the global digital marketplace.

## **Procedure and next steps**

The provisional agreement, which was reached in a single 'trilogue' meeting with the Parliament, was confirmed by ambassadors in the Council's Permanent Representatives Committee.

The agreed text will now undergo legal and linguistic finalisation. It must then be formally adopted, first by the Parliament and then by the Council. Following adoption, the regulation will be published in the EU's Official Journal. It will enter into force 20 days after publication.

The rules will apply from 13 October 2022, except for the broadened registration possibility for EU citizens, which will become applicable six months after the entry into force of the regulation.

The reform is part of the EU's efforts to create a fully-fledged digital single market.

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