

Ship-source pollution and introduction of penalties

2023/0171(COD) - 16/12/2024 - Final act

PURPOSE: to incorporate into Union law international standards on illegal discharges from ships at sea and to ensure that those responsible for such discharges are subject to dissuasive, effective and proportionate sanctions.

LEGISLATIVE ACT: Directive (EU) 2024/3101 of the European Parliament and of the Council amending Directive 2005/35/EC as regards ship-source pollution and on the introduction of administrative penalties for infringements.

CONTENT: this directive is part of a package of four new pieces of legislation on maritime safety that aim to support clean, safer and modern maritime transport in the EU. These acts amend the relevant Directives on:

- the investigation of accidents in the maritime transport sector ([2023/0164\(COD\)](#));
- **ship-source pollution**;
- compliance with flag state requirements ([2023/0172\(COD\)](#)), and
- port state control ([2023/0165\(COD\)](#)).

The revised ‘package’ achieves a careful balance between, on the one hand, the need to ensure a high quality of shipping and, on the other, the need to safeguard the competitiveness of the European shipping sector, while also maintaining reasonable costs for operators and Member States' administrations.

The revised ship-source pollution Directive aims to **incorporate international standards on ship-source pollution** into Union law and to ensure that those responsible for illegal discharges of polluting substances are subject to dissuasive, effective, and proportionate penalties to improve maritime safety and better protect the marine environment from pollution by ships.

The Directive does not prevent Member States from adopting stricter measures.

Scope

The Directive extends the scope of the current directive (Directive 2005/35/EC) to cover illegal discharges of harmful substances in packaged form, sewage, waste and discharged waters and residues from exhaust gas cleaning systems. Moreover, it ensures clarity and coherence with international rules and procedures, particularly those of the international convention for the prevention of pollution from ships (MARPOL), in the interest of protection of the marine environment.

Enforcement measures with respect to ships within a port of a Member State

If irregularities or information give rise to a suspicion that a ship which is voluntarily within a port or at an off-shore terminal of a Member State has been engaged in or is engaging in a discharge of polluting

substances into any of the areas, that Member State will ensure that an **appropriate inspection** or other appropriate action, taking into account the relevant guidelines adopted by the IMO, is undertaken in accordance with its national law.

Administrative penalties

The Directive establishes a **strengthened legal framework** for administrative penalties and their effective application, enabling national authorities to ensure a dissuasive and consistent imposition of sanctions to ship-source pollution incidents in all European seas.

When determining and applying the type and level of administrative penalty for a company or other legal or natural person found by competent authorities to be liable, the competent authorities take into account **all relevant circumstances of the infringement**, in particular:

- the nature, gravity and the duration of the discharge;
- the degree of culpability or fault of the responsible person;
- the damage caused by the discharge to the environment or human health, including, where relevant, its impact on fishing, tourism and coastal communities;
- the financial capacity of the company;
- the economic benefits generated;
- measures taken by the company or other legal or natural person liable in order to prevent the discharge or mitigate its impact;
- the level of cooperation of the company with the competent authority.

Exchange of information and experience

Member States and the Commission, with the assistance of the European Maritime Safety Agency (EMSA), will cooperate in the exchange of information, building on the Union Maritime Information Exchange System referred to in Directive 2002/59/EC of the European Parliament and of the Council (SafeSeaNet), with a view to improving the information needed for the effective implementation of the Directive.

The Commission will establish an **electronic reporting tool**, for the purposes of collection and exchange of information between Member States and the Commission on the implementation of the enforcement system provided for by this Directive. Based on information reported by Member States, the Commission will make publicly available a regularly updated Union-wide overview on the implementation and enforcement of this Directive.

Training

The Commission will, with the assistance of EMSA and in cooperation with Member States, facilitate the development of Member States' capabilities by providing, as appropriate, training to the authorities responsible for the detection and verification of infringements under the scope of this Directive and the enforcement of penalties or any other measures arising from such infringements.

ENTRY INTO FORCE: 5.1.2025.

TRANSPOSITION: no later than 6.7.2027.