Ship-source pollution and introduction of penalties for infringements

2003/0037(COD) - 04/11/2003

The committee adopted the report by Peter PEX (EPP-ED, NL) amending the proposal under the 1st reading of the codecision procedure: - it should be made clear that the aim of the directive is to make each of the parties involved in maritime transport responsible; - it should be specified that the directive shall apply to ships sailing under the flag of a Member State irrespective of where the ship is located and the discharge occurred; - sanctions should be applicable inter alia to the competent (port) authority if it is found to be responsible for illegal discharges, for example by refusing a ship in distress access to a port or a safe anchorage; - sanctions should include confiscation of the ship; - given the patchy compliance of many Member States with existing legislation on maritime safety, the Commission must ensure that these directives and regulations are rigorously enforced in the Member States; - in order to ensure optimum and uniform surveillance and hence effective application of the directive, the Commission should put forward proposals, within 6 months of the directive's entry into force, on setting up a European coastguard with the power to carry out unannounced checks on the high seas; - in the long term, the Commission should assess whether the scope of the directive should be extended to cover discharges of noxious solid substances; - Member States should be given 12 months, rather than 6 months, in which to transpose the directive into national law. Lastly, one amendment sought to make it clear that there must be no encroachment whatever on the rights of those accused of pollution offences, who are entitled to a fair and independent hearing. Bearing in mind the treatment of the captain of the "Prestige" tanker by the Spanish authorites, MEPs were concerned to ensure that the relevant authorities should be prevented from unjustly treating accused persons as criminals in order to divert attention from their own responsibility.