Ship-source pollution and introduction of penalties for infringements

2003/0037(COD) - 13/01/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Peter PEX (EPP-ED, NL) and made certain amendments to the proposal: - a new recital states that, in order to ensure that criminal sanctions against intentional pollution are effective, the port state control authorities should maintain registers of oil; each Member State must therefore introduce stringent legislation against any failure to maintain those registers and any entry of which the authenticity cannot be established, in order to prevent uncontrolled degassing which is the source of most marine pollution; - another new recital states that in order to ensure that all Community ports have adequate facilities to receive ship-generated waste and cargo residues, Directive 2000/59/EC on port reception facilities should be fully enforced without further delay; - Parliament pointed out that many Member States have not fully satisfied the European Community's expectations with regard to maritime safety, in particular by delaying the application of existing directives and regulations; - the Directive will apply to ships sailing under the flag of a Member State irrespective of the location in which the discharge occurred; - sanctions should be applicable, inter alia, to the competent port authority if it is found to be responsible for illegal discharges; - 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; - the European Maritime Safety Agency will play a coordination role with regard to the enforcement of the Directive. It will create an EU public online database on illegal discharges and ships which do not comply with the Directive; - the Commission should fix a timetable, details of which are suggested, for the installation of onboard monitoring equipment; - Member States must transmit a report to the Commission every two years, rather than every three years. The Commission's own report should assess, inter alia, the desirability of revising or extending the scope of the Directive; - those accused of pollution offences are entitled to a fair and independent hearing and any penalties imposed should be proportionate to the criminal offence; Amendments were also adopted on the definition of illegal discharges and on the development of the necessary information and warning systems.