Ship-source pollution and introduction of penalties for infringements

2003/0037(COD) - 19/01/2005

The committee adopted the report by Corien WORTMANN-KOOL (EPP-ED, NL) amending the Council's common position under the 2nd reading:

- the wording of the original Commission proposal relating to the purpose of the directive, which had been deleted by the Council, should be reinstated (incorporation of international standards into Community law and provision for "criminal sanctions");

- whereas the Council text stated that ship-source discharges of polluting substances should be regarded as "infringements" if committed with intent, recklessly or by "serious" negligence, the committee went back to some of the wording in parts of the Commission proposal, thereby reflecting Parliament's position at 1st reading. It therefore proposed that such discharges should be regarded as "criminal offences" if committed with intent, recklessly or by "gross" negligence;

- the Commission text (as amended by Parliament at 1st reading) setting out guidelines for imposing sanctions should be reinstated. MEPs argued that the text made it clear that anyone in the logistical chain (i.e. not only the shipowner but also the owner of the cargo, the classification society and even the competent port authority) could be prosecuted;

- the role of the European Maritime Safety Agency (EMSA) should be strengthened: it should assist the Member States in tracing illegal discharges by providing satellite monitoring and surveillance and should carry out audits in the Member States;

- finally, the Commission should compile a feasibility study on setting up a European coastguard service.