Ship-source pollution: judicial cooperation to repress offences, criminal-law framework. Framework Decision

2003/0088(CNS) - 19/11/2004

The Council debated the draft Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution.

The debate focused on discharges in the territorial sea of a Member State, its exclusive economic zone or equivalent zone. In case of such discharges, and in accordance with the Presidency compromise text, ships flying the flag of another Member State would not be considered as foreign ships within the meaning of Article 230 of the UN Convention on the Law of the Sea and therefore in such cases persons, held liable, could also be subject to custodial sentences.

Other issues discussed include the following : the relation between the Framework Decision and the MARPOL and UNCLOS and the possibility of introducing a ceiling for the maximum fines to be imposed to legal persons.

It should also be stated that the JHA Council of 25 and 26 October 2004 discussed the text of this Framework Decision and that the Presidency noted that three Member States could not agree to the proposed text.