Ship-source pollution and introduction of penalties for infringements

2003/0037(COD) - 23/02/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the report by Corien WORTMANN-KOOL (EPP-ED, NL) amending the Council's common position. (Please refer to the summary dated 19/01/2005).

In the near future, ship-source discharges of polluting substances committed with intent, recklessly or by serious negligence will be regarded as criminal offences. Parliament voted strongly in favour of an agreement, reached last week at an informal trilogue between Parliament and Council delegations on the common position regarding pollution from ships. Until now, Council had been reluctant to accept such Parliament's proposals, arguing that criminal sanctions were a competence of the Member States.

All the 13 compromise amendments were adopted following the agreement with Council. Criminal sanctions could, in the most serious cases, even include imprisonment or heavy fines. The new directive will be supplemented by detailed rules on criminal offences and sanctions in order to strengthen the legal framework for the enforcement of the law against ship-source pollution. Under the new law, all those responsible in the pollution chain could be prosecuted, not only captain and crew.

Another success for the EP Delegation was the agreement on the setting up of a European coastguard, opposed by some Member States. The Commission will now undertake a feasibility study on the coastguard dedicated to pollution prevention and response, making clear the costs and benefits. This study should be followed by a proposal on a coastguard by 2006. The European Maritime Safety Agency (EMSA) will assist.

Another compromise amendment was adopted setting out a number of tasks for the EMSA regarding this directive. It is intended that the EMSA would work with the Member States in developing technical solutions and providing technical assistance in relation to this directive, such as tracing discharges by satellite monitoring and surveillance. The agency should assist the Commission in implementation, including visits to Member States if appropriate.

Lastly, every three years, Member States shall transmit a report to the Commission on the application of this Directive by the competent authorities. In this report, the Commission shall assess, inter alia, the desirability of revising or extending the scope of this Directive. It shall also describe the evolution of relevant case-law in the Member States and shall consider the possibility of creating a public database containing such relevant case-law.