



**Environmental NGO Recommendations
on the Proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on ship-source pollution and on the introduction of sanctions,
including criminal sanctions, for pollution offences
COM(2003) 92 final**

Seas At Risk, the European Federation for Transport and Environment welcome the Commission's proposals to incorporate international ship-source pollution standards into Community law, and in particular those elements that will ensure appropriate (including criminal) sanctions for those that breach the regulations. The safety of maritime transport and the protection of Community waters from ship-source pollution must be a key objective of the Community and is essential to promote maritime shipping as an environmentally sound transport mode.

In the interests of ensuring that the directive is as effective as possible in its stated aims we would suggest consideration of the following specific amendment proposals, and ask that notice also be taken of some more general remarks regarding regulation in this area.

General Remarks

- ?? Zero discharge must be the ultimate objective of community policy in this area; this is consistent with the proposal for a European marine strategy where the "Clean Ship" approach is seen as the long-term answer to shipping's negative impacts on the marine environment.
- ?? If the proposal is successful the sanctions will provide a much needed deterrent effect. There is no shortage of international regulations in this area, but they are at present largely ineffective due to poor enforcement and the derisory level of penalties that guilty parties generally face. We also welcome any initiative aimed at improving the identification of offenders. We would note, however, that inherent difficulties exist with the enforcement of regulations at sea and it would be wise for future regulation to aim at measures that can be enforced at the quay side. Once out of sight of land ships can act with impunity; aerial surveillance has proved of only limited effectiveness.
- ?? The introduction of sanctions will likely generate substantial revenues. The use of these funds should be kept as transparent as possible, and should serve the cause of the "Clean Ship". While a proportion of the revenues raised will be needed to cover administrative costs, any surplus should be allocated to funds aimed at innovative operational and technological solutions to maritime transport environment problems.

Amendment proposals

Article 2 (Definitions)

At present the scope of the Directive is limited to discharges covered by annexes I (oil) and II (noxious liquid substances in bulk) of MARPOL 73/78. We see no reason for such a limitation and recommend that the definition of “polluting substances” and “illegal discharges” be amended to include substances and illegal discharges dealt with in annexes III (harmful substances carried in packaged form), IV (sewage) and V (garbage) of MARPOL 73/78. European marine ecosystems and coastal environments should be protected from all illegal discharges.

Article 4 and 5 (Enforcement)

Enforcement in the Member States would be greatly enhanced by a permanent co-ordination body, possibly under the auspices of the European Maritime Safety Agency or the Paris MOU. A database should enable Member States to access information on recent suspected discharges and non-complying ships.

Article 9 (Reporting)

The reporting period of three years is too long. A web site should inform the public more regularly on the number and location of illegal discharges. Similar to the “Rustbucket of the Month” on the website of Paris MOU, individual polluters could be presented. The report should also contain statistical information on generated revenue and it’s spending.

Article 10 (Committee)

There must be a guarantee that the Committees involve all stakeholder groups. Their members and the working process should be kept as transparent as possible.

For more information please contact:

John Maggs, of **Seas At Risk** at jmaggs@seas-at-risk.org, tel: +44 1736 332741, or

Karsten Krause, of the **European Federation for Transport and Environment**

at karsten.krause@t-e.nu, tel: + 32 2 502 9909

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