

Brussels, 5 March 2003

The Commission proposes criminal sanctions for polluting ships

European Commission today adopted a proposal which will lead to the imposition of criminal sanctions on those responsible for pollution by ships. "A measure of this type is particularly important in shipping", said Loyola de Palacio, the Commission's Vice-President responsible for transport and energy policy "as the existing civil liability regimes for pollution by ships do not provide sufficient financial disincentives for shipowners and others involved in the transport of dangerous cargoes by sea to behave in the most responsible way"

The proposed Directive establishes that marine pollution by ships is a criminal offence. Sanctions will be applicable to any person - including the master, the owner, the operator and the charterer of a ship and to the classification society - who has been found to have caused or contributed to illegal pollution intentionally or by means of gross negligence. The penalties may, in the most serious cases, include jail sentences.

The proposal responds to calls by the European Council in Copenhagen on 13 December 2002 for further specific measures relating to liability and corresponding sanctions and by the Transport Council of Ministers on 6 December 2002 and the Justice and Home Affairs Council on 19 December for strengthened protection of the environment and criminal sanctions for grossly negligent behaviour leading to marine pollution by ships.

The proposal is a further effort by the Commission to try to stop the thousands of deliberate discharges of waste and cargo residues from ships at sea around Europe¹. The Directive proposed today provides detailed rules for the discharge of polluting substances, including oil and chemicals², and makes any violation of those rules illegal in EU waters. In addition, it prohibits pollution on the high seas, irrespective of the flag of the ship³.

"The inclusion of the high seas is necessary, since pollution of the seas does not recognise artificial borders and since many Member States do not even have a 200-mile exclusive economic zone", said Loyola de Palacio. She added that the proposed Directive will fill significant regulatory gaps in EU regulation and will go a long way in establishing a culture of responsible shipping in EU waters and beyond. The newly created European Maritime Safety Agency will assist the Commission and Member States in establishing the information system required to effectively implement this.

¹ 390 oil slicks in the Baltic Sea and 596 in the North Sea in 2001, 1638 in the Mediterranean in 1999.

² Defined in the International Convention for the Prevention of Pollution from Ships 1973 and the Protocol of 1978 related thereto as subsequently amended (the Marpol 73/78 Convention)

³ The possibility to investigate and prosecute discharge offences in the high seas is provided for in Article 218.1 of the United Nations Convention on the Law of the Sea 1982 (UNCLOS)