



Pollution at sea: MEPs vote for compulsory criminal law penalties

More effective measures to combat pollution at sea through stricter legal penalties will be implemented following the adoption today by the European Parliament of a directive which provides for criminal sanctions for polluters.

- criminal penalties: Member States to regard serious cases of pollution as criminal acts
- distinction remains between serious and "minor" cases (those not resulting in a deterioration of water quality)
- minor cases are nevertheless to be regarded as criminal offences if they are repeated, deliberate or caused by serious negligence

Minor cases or criminal offences

According to the directive, ship-source discharges of polluting substances shall be regarded as criminal offences if they are committed with intent, recklessly or with serious negligence and result in serious deterioration of the quality of the water.

Less serious cases of illicit ship-source discharges of polluting substances that do not cause a deterioration of the quality of water need not be considered as criminal offences, MEPs and Council agreed. Such discharges shall be referred to as "minor cases".

But repeated minor discharges made with intent, recklessly, or due to serious negligence must be considered criminal offences and punished with effective, proportionate and dissuasive penalties **if they cause a deterioration in the quality of the water.**

The aim of MEPs is to deter the responsible parties in sea transport who would rather pollute because paying an administrative fine costs less than obeying the law.

The directive cannot determine the type or exact level of penalties, this being a matter for the Member States.

Parliament insists and obtained that classification societies or owners of cargo also be included in the scope of the Regulation.

Background

The draft directive was brought forward following a 2005 ruling of the Court of Justice which stated that the European Community does have the power to ask its Member States to apply criminal law penalties in the transport industry.

MEPs reached a first-reading agreement with Council last week, paving the way for a swift adoption of the rules.

Entry into force

Press release

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than twelve months following the date of its entry into force.

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