



**COUNCIL OF
THE EUROPEAN UNION**



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Council adopts new legislation against ship-source pollution

The Council adopted today a directive improving current rules on ship-source pollution and on the introduction of penalties for infringements ([3664/09](#)). The new provisions aim at improving maritime safety and enhancing protection of the marine environment from pollution by ships.

According to the new law, ship-source discharges of polluting substances, including minor cases of such discharges, are regarded a criminal offence if committed with intent, recklessly or with serious negligence. Persons responsible for these discharges are subject to adequate penalties, including criminal penalties. These must be effective, proportionate and dissuasive. The same applies to legal persons that can be held liable for the pollution.

The new directive amends directive 2005/35/EC. Its adoption follows a first-reading agreement reached with the European Parliament under the co-decision legislative procedure.

Member states will have a year to transpose the directive into national law.

P R E S S

Background

In the aftermath of major accidental oil spills and the increasing number of uncontrolled operational discharges of polluting substances from ships at sea, the Commission proposed a directive in 2003 providing that ship-source pollution should be considered a criminal offence and consequently should be subject to criminal penalties. The Commission also proposed a framework decision providing for the approximation of the levels of criminal penalties for the ship-source pollution criminal offences.

These two instruments were adopted by the Council in 2005. But the European Court of Justice annulled the above mentioned Framework Decision in 2007 considering that it was adopted on the wrong legal basis.

The Commission therefore proposed in March 2008 a new directive with a view to filling the legal vacuum created by the annulment by the Court.
