

EUROPEAN PARLIAMENT

2004



2009

Committee on the Environment, Public Health and Food Safety

2008/0055(COD)

10.10.2008

AMENDMENTS 11 - 12

Draft opinion
Marios Matsakis
(PE411.924v01-00)

Ship source pollution and introduction of penalties for infringements

Proposal for a directive – amending act
(COM(2008)0134 – C6-0142/2008 – 2008/0055(COD))

AM_Com_LegOpinion

Amendment 11

Vladko Todorov Panayotov

Proposal for a directive – amending act

Article 1 - point 1 a (new)

Directive 2005/35/EC

Article 1 - paragraph 1

Text proposed by the Commission

Amendment

(1a) In Article 1(1) the words “in Article 8” shall be replaced by “in Articles 5a and 5c and measures of liability as referred to in Article 5b of this Directive”.

Or. en

Justification

Article 1 (4), (5) and (6) of this Directive are introducing penalties and measures of liability, instead of Article 8 of original Directive 2005/35/EC, whose Article 8 is deleted by Article 1 (7) of this Directive.

Amendment 12

Vladko Todorov Panayotov

Proposal for a directive – amending act

Article 1 - point 3

Directive 2005/35/EC

Article 4 - paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that ship-source discharges of polluting substances into any of the areas referred to in Article 3(1) are regarded as criminal offences if committed with intent, recklessly or serious negligence.

1. Member States shall ensure that ship-source discharges of polluting substances into any of the areas referred to in Article 3(1) are regarded as criminal offences if committed with intent, recklessly, ***in the knowledge that damage would probably result*** or ***by*** serious negligence.

Or. en

Justification

1. In line with the MARPOL liability basis, bearing in mind that EU maritime States are MARPOL Parties. MARPOL is the fundamental global convention for the protection of the marine environment and works very well and efficiently.

2. For the sake of clarity – “by” implies “causing as a result”.