

AMENDMENT 19

by Georgios Toussas, on behalf of the GUE/NGL Group

Recommendation for second reading**A6-0015/2005****Corien Wortmann-Kool**

Pollution from ships

Council common position (11964/3/2004 – C6-0157/2004 – 2003/0037(COD))

Council common position

Amendment by Parliament

Amendment 19
Article 8, paragraph 2

2. Each Member State shall take the measures necessary to ensure that the sanctions referred to in paragraph 1 apply to any person who is found responsible for an infringement as referred to in Article 4.

2. Each Member State shall take the measures necessary to ensure that the sanctions referred to in paragraph 1 ***can be applied*** to any person (***i.e. not only the ship-owner(s) but also the ship operator(s), managers, anyone acting in any representative capacity on their behalf, the insurers, the agents, the vessel's P & I Club, the charterer, the charterer of a bare ship, the owner of the cargo, the ship's register or subsidiary or branch thereof with its representatives, its additional surveyors or persons authorised by it, the competent port authority or any other person involved***) who is found ***by a court of law*** responsible for ***a criminal offence*** as referred to in Article 4.

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Justification

Experience shows that there are woefully inadequate preventive and dissuasive measures in respect of ship-owners, ship operators, managers, their representatives, agents, insurers, the vessel's P & I Clubs, charterers, charterers of bare ships, the cargo owners, the registers, subsidiaries, branches, their representatives, the surveyors, the authorised bodies and persons, and the competent port authorities, who are responsible for the situation, the operation and the seaworthiness of the vessel and for environmental protection.

Ship-owners, ship operators, managers, agents, insurers, charterers, cargo owners, registers etc., who form the logistical chain of vessel infrastructure and are responsible for maritime

criminal offences and environmental disasters, are not punished by way of court judgments under national and international law.

On the contrary, in violation of international law, seafarers are wrongly and systematically used as scapegoats in order to allay workers' concerns and to stop the labour movement's struggle to protect the environment.

It has been shown that a policy which is defined in terms of strengthening competition, boosting the profits of the shipping companies and on-shore industries and the monopolies is extremely dangerous in relation to the protection of human life at sea and protection of the environment.