

AMENDMENT 25

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 25

Recital 5

(5) To that end it is essential to approximate existing legal provisions, in particular, *on the one hand*, the precise definition of the infringement in question and the cases of exemption, *which are the subject of this Directive* and, *on the other hand*, minimum rules for penalties, liability and jurisdiction, *which are the subject of Council Framework Decision 2004/..JHA of.... to strengthen the criminal law framework for the enforcement of the law against ship-source pollution.*

(5) To that end it is essential to approximate, *by way of the proper legal instruments*, existing legal provisions, in particular the precise definition of the infringement in question and the cases of exemption and minimum rules for penalties, liability and jurisdiction.

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 26

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 26

Recital 6

(6) The purpose of this Directive is, among other things, to provide a definition of discharges and consequently to render more effective the implementation of Framework Decision 2004/.../JHA in order to prevent such infringements.

(6) This Directive is supplemented by detailed rules on criminal offences and sanctions as well as other provisions set out in Council Framework Decision 2005/.../JHA of.... to strengthen the criminal law framework for the enforcement of the law against ship-source pollution.

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 27

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 27

Recital 8

(8) Ship-source discharges of polluting substances should be regarded as infringements if committed with intent, recklessly or by serious negligence. ***These infringements are regarded as criminal offences by, and in the circumstances provided for in, Council Framework Decision 2005/.../JHA supplementing the Directive.***

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 28

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 28
Recital 10

(10) There is a need for further effective cooperation among Member States to ensure that discharges of polluting substances from ships are detected in time and that the offenders are identified.

(10) There is a need for further effective cooperation among Member States to ensure that discharges of polluting substances from ships are detected in time and that the offenders are identified. ***For this reason, the European Maritime Safety Agency has a key role to play in working with the Member States in developing technical solutions and providing technical assistance relating to the implementation of this Directive and in assisting it in the performance of any task assigned to the Commission for the effective implementation of this Directive.***

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 29

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 29
Recital 10a (new)

(10a) In order better to prevent and combat marine pollution, synergies should be created between enforcement authorities such as national coastguard services. In this context, the Commission should undertake a feasibility study on a European coastguard dedicated to pollution prevention and response, making clear the costs and benefits. This study should, if appropriate, be followed by a proposal on a European coastguard.

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 30

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 30
Recital 11a (new)

(11a) The enforcement of Directive 2000/59/EC¹ is, together with this Directive, a key instrument in the set of measures to prevent ship source pollution.

¹ Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 31

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 31 Recital 13	
(13) This Directive fully respects the Charter of fundamental rights of the European Union,	(13) This Directive fully respects the Charter of fundamental rights of the European Union; <i>any person suspected of having committed an infringement must be guaranteed a fair and impartial hearing and the sanctions must be proportional.</i>

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 32

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 32
Article 1

1. The purpose of this Directive is to ensure that persons responsible for *ship-source pollution* are subject to *appropriate* sanctions, in order to improve maritime safety and to enhance protection of the marine environment from pollution by ships.

1. The purpose of this Directive is to *incorporate international standards for ship-source pollution into Community law and to* ensure that persons responsible for *discharges* are subject to *adequate* sanctions *as referred to in Article 8*, in order to improve maritime safety and to enhance protection of the marine environment from pollution by ships.

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 33

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 33
Article 4

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 infringements if committed with intent, recklessly or by serious negligence.

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 infringements if committed with intent, recklessly or by serious negligence.

These infringements are regarded as criminal offences by, and in the circumstances provided for in, Council Framework Decision 2005/.../JHA supplementing the Directive.

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 34

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 34
Article 5, paragraph 1

1. A discharge of polluting substances into any of the areas referred to in Article 3(1) shall not be regarded as an infringement if it satisfies the conditions set out in Annex I, Regulations 11(a) or 11(c) or in Annex II, Regulations 6(a) or 6(c) of Marpol 73/78.

1. A discharge of polluting substances into any of the areas referred to in Article 3(1) shall not be regarded as an infringement if it satisfies the conditions set out in Annex I, Regulations **9, 10**, 11(a) or 11(c) or in Annex II, Regulations **5, 6(a)** or 6(c) of Marpol 73/78.

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 35

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 35

Article 10, introductory part

For the purposes of this Directive, Member States and the Commission shall cooperate, where appropriate, in close collaboration with the European Maritime Safety Agency and, **where appropriate, in the framework** of the action programme to respond to accidental or deliberate marine pollution as set up by Decision No 2850/2000/EC in order to:

1. For the purposes of this Directive, Member States and the Commission shall cooperate, where appropriate, in close collaboration with the European Maritime Safety Agency and **taking account** of the action programme to respond to accidental or deliberate marine pollution as set up by Decision No 2850/2000/EC **and, if appropriate, of the implementation of Directive 2000/59/EC** in order to:

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

AMENDMENT 36

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 36

Article 10, paragraph 1a (new)

1a. In accordance with its tasks defined in Regulation (EC) No 1406/2002¹ the European Maritime Safety Agency shall:

- work with the Member States in developing technical solutions and providing technical assistance in relation to the implementation of this Directive, in actions such as tracing discharges by satellite monitoring and surveillance;

- assist the Commission in the implementation of this Directive, including, if appropriate, by means of visits to the Member States, in accordance with Article 3 of Regulation (EC) No 11406/2002.

¹ Regulation (EC) No 406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.

17.2.2005

A6-0015/37

AMENDMENT 37

by Corien Wortmann-Kool, on behalf of the PPE-DE Group, Willi Piecyk, on behalf of the PSE Group, Joost Lagendijk, on behalf of the Verts/ALE 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 37
Article 10a (new)

Feasibility Study

10a. In order to better prevent and combat marine pollution, synergies should be established between enforcement authorities such as national coastguard services. In this context, the European Commission shall, before the end of 2006, submit to the European Parliament and the Council a feasibility study on a European coastguard dedicated to pollution prevention and response, making clear the costs and benefits.

Or. en

Justification

This amendment forms part of a package, containing 13 compromise amendments, aimed at a second reading agreement with Council and Commission.