



**2023/0171(COD)**

13.10.2023

# **AMENDMENTS**

## **11 - 53**

**Draft report**

**Cláudia Monteiro de Aguiar**

(PE753.445v01-00)

Amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences

Proposal for a directive

(COM(2023)0273 – C9-0187/2023 – 2023/0171(COD))



**Amendment 11**  
**Catherine Chabaud, Pierre Karleskind**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) The Union's maritime policy is aimed at a high level of safety and environmental protection. This can be achieved through compliance with international conventions, codes and resolutions while maintaining the freedom of navigation as provided for by the United Nations Convention on the Law of the Sea.

*Amendment*

(1) The Union's maritime policy is aimed at a high level of safety and environmental protection. This can be achieved through compliance with international conventions, codes and resolutions while maintaining the freedom of navigation as provided for by the United Nations Convention on the Law of the Sea. ***In this regard, it shall be recalled that the ocean should be recognised at an international level as a global common and should be protected in the light of its uniqueness and interconnectedness and the essential ecosystem services that it provides, on which current and future generations depend for their survival and well-being.***

Or. en

**Amendment 12**  
**Catherine Chabaud**

**Proposal for a directive**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The best action in relation to marine pollution and waste is to ensure prevention of the polluting substances being released into the ocean to start with. In view of the high prevalence of expanded polystyrene litter in the marine environment, which is explained by the fact that these products, because of their lightness, easily fly away from vessels and end up in the sea, Member States should consider the phasing out of expanded***

*polystyrene containers and packaging from fishery products in line with the ambition of replacing single-use plastics with durable alternatives benefitting the environment and fishers.*

Or. en

**Amendment 13**  
**Catherine Chabaud, Pierre Karleskind**

**Proposal for a directive**  
**Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*(2b) It is also of importance that actions to effectively recover released polluting materials and waste are supported. Fishers, aquaculture producers and their organisations are already working to collect waste including fishing gear lost or abandoned at sea and 'ghost gear' which represents a threat to all marine activities and ecosystems worldwide. These efforts cannot be expected to happen without a compensation mechanism tailored to these efforts. Whereas in the EU, an estimated 20% of fishing gear is lost at sea, accounting for nearly a third of marine litter in European seas<sup>18a</sup> and only 1,5% of worn out fishing gear get recycled<sup>18b</sup>, there is an urgent need to improve collection, recycling and repair of all fishing gear and therefore support is needed. In this regard, the Member States should exchange best practices and report on their different actions to recover and prevent the release of polluting materials and waste.*

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<sup>18a</sup> 'Circular economy: From abandoned fishing nets to sustainable clothing', European Commission.

<sup>18b</sup> 'Lost fishing gear: a trap for our

*ocean', European Commission.*

Or. en

**Amendment 14**  
**Catherine Chabaud, Pierre Karleskind**

**Proposal for a directive**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Regulation (EC) No 1224/2009 includes reporting obligations on lost gears which Member States should transmit to the Commission. The Commission should use this information already received when evaluating the implementation of this Directive and the state of the Union in this regard.***

Or. en

**Amendment 15**  
**Catherine Chabaud, Pierre Karleskind**

**Proposal for a directive**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) Regulation No 1224/2009 makes illegally disposing of a fishing gear or gear at sea from a fishing vessel a serious infringement under that Regulation provided that specific criteria has been met. For such infringements there are obligations under Regulation (EC) No 1224/2009 for Member States to have appropriate administrative or criminal sanctions that are effective, proportionate and dissuasive.***

Or. en

## Amendment 16

Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou

### Proposal for a directive

#### Recital 8

##### *Text proposed by the Commission*

(8) Administrative penalties introduced in transposition of Directive 2005/35/EC should be without prejudice to Directive (EU) 2023/xxxx. Member States should define the scope of administrative and criminal law enforcement with regards to **ship-source pollution** offences according to their national law. In the application of national law transposing Directive 2005/35/EC, Member States should ensure that the imposition of criminal penalties and of administrative penalties respects the principles of the Charter of Fundamental Rights of the European Union, including the prohibition of ne bis in idem.

##### *Amendment*

(8) Administrative penalties introduced in transposition of Directive 2005/35/EC should be without prejudice to Directive (EU) 2023/xxxx, **with the aim of harmonizing and proportionally penalizing ship-source pollution offences**. Member States should define the scope of administrative and criminal law enforcement with regards to **these** offences according to their national law. In the application of national law transposing Directive 2005/35/EC, Member States should ensure that the imposition of criminal penalties and of administrative penalties respects the principles of the Charter of Fundamental Rights of the European Union, including the prohibition of ne bis in idem.

Or. en

## Amendment 17

Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou

### Proposal for a directive

#### Recital 9

##### *Text proposed by the Commission*

(9) The penalties provisioned by Directive 2005/35/EC should be strengthened by ensuring consistent application of administrative penalties throughout the Union. To strengthen the deterrent effect of penalties imposed for ship-source pollution offences, such penalties should take at least the form of fines imposed to the company of the ship, **unless the company can prove that the master of the ship or** a member or

##### *Amendment*

(9) The penalties provisioned by Directive 2005/35/EC should be strengthened by ensuring consistent application of administrative penalties throughout the Union. To strengthen the deterrent effect of penalties imposed for ship-source pollution offences, such penalties should take at least the form of fines imposed **both** to the company of the ship **and** a member or members of the crew responsible for the discharge. In this

members of the crew, *the latter not acting under the responsibility of the master*, was responsible for the discharge. In this context, the company of ship means the shipowner or any other organisation or person, such as the manager or the bareboat charterer, which has assumed the responsibility for the operation of the ship from the shipowner, in alignment with the International Management Code for the Safe Operation of Ships and for Pollution Prevention ('ISM Code')<sup>24</sup>, implemented in Union law by virtue of Regulation (EC) No 336/2006 of the European Parliament and of the Council<sup>25</sup>. Directive 2005/35/EC should recognise that the management of the ship could be delegated by the registered owner to a different entity, which should then be held in the first place responsible for not implementing its obligations under the ISM Code to ensure the avoidance of damage to the environment or the assignment of shipboard operations to qualified personnel.

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<sup>24</sup> International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organisation by Assembly Resolution A.741(18) of 4 November 1993, as amended.

<sup>25</sup> Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 (Text with EEA relevance) (OJ L 64, 4.3.2006, p.1).

context, the company of ship means the shipowner or any other organisation or person, such as the manager or the bareboat charterer, which has assumed the responsibility for the operation of the ship from the shipowner, in alignment with the International Management Code for the Safe Operation of Ships and for Pollution Prevention ('ISM Code')<sup>24</sup>, implemented in Union law by virtue of Regulation (EC) No 336/2006 of the European Parliament and of the Council<sup>25</sup>. Directive 2005/35/EC should recognise that the management of the ship could be delegated by the registered owner to a different entity, which should then be held in the first place responsible for not implementing its obligations under the ISM Code to ensure the avoidance of damage to the environment or the assignment of shipboard operations to qualified personnel.

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<sup>25</sup> Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 (Text with EEA relevance) (OJ L 64, 4.3.2006, p.1).

Or. en

## **Amendment 18**

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) National administrative and judicial authorities should take into account all relevant circumstances when determining the level of penalties to be imposed to the polluter. Taking into account the diverse nature of polluting substances covered under Directive 2005/35/EC and the importance of consistent application of penalties across the Union in light of the cross-border nature of the regulated behaviour, further approximation and effectiveness of penalty levels should be fostered through the establishment of concrete criteria for the application of penalties for discharges of different polluting substances. In order to ensure the uniform conditions for the application of penalties, implementing powers should be conferred to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>26</sup>. The examination procedure should be used for the adoption of these implementing acts.

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<sup>26</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

*Amendment*

(10) National administrative and judicial authorities should take into account all relevant circumstances when determining the level of penalties to be imposed to the polluter. ***National authorities should establish a comprehensive and proportional system of penalizing ship-source pollution offenses that takes into account the size of the vessel, the nature and quantity of waste, and the frequency of violations, all while promoting environmental responsibility and deterring illegal pollution.*** Taking into account the diverse nature of polluting substances covered under Directive 2005/35/EC and the importance of consistent application of penalties across the Union in light of the cross-border nature of the regulated behaviour, further approximation and effectiveness of penalty levels should be fostered through the establishment of concrete criteria for the application of penalties for discharges of different polluting substances. In order to ensure the uniform conditions for the application of penalties, implementing powers should be conferred to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>26</sup>. The examination procedure should be used for the adoption of these implementing acts.

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<sup>26</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en



**Amendment 19**  
**Catherine Chabaud, Pierre Karleskind**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) National administrative and judicial authorities should take into account all relevant circumstances when determining the level of penalties to be imposed to the polluter. Taking into account the diverse nature of polluting substances covered under Directive 2005/35/EC and the importance of consistent application of penalties across the Union in light of the cross-border nature of the regulated behaviour, further approximation and effectiveness of penalty levels should be fostered through the establishment of concrete criteria for the application of penalties for discharges of different polluting substances. In order to ensure **the** uniform conditions for the application of penalties, implementing powers should be conferred to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>26</sup>. The examination procedure should be used for the adoption of these implementing acts.

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<sup>26</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

*Amendment*

(10) National administrative and judicial authorities should take into account all relevant circumstances when determining the level of penalties to be imposed to the polluter. Taking into account the diverse nature of polluting substances covered under Directive 2005/35/EC and the importance of consistent application of penalties across the Union in light of the cross-border nature of the regulated behaviour, further approximation and effectiveness of penalty levels should be fostered through the establishment of concrete criteria for the application of penalties for discharges of different polluting substances. In order to ensure **a level playing field and broad support across Member States for the administrative and judicial actions to be taken it is important to ensure as uniform as possible application of the penalties. In order to ensure these** uniform conditions for the application of penalties, implementing powers should be conferred to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>26</sup>. The examination procedure should be used for the adoption of these implementing acts.

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<sup>26</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

**Amendment 20**  
**Catherine Chabaud**

**Proposal for a directive**  
**Recital 12**

*Text proposed by the Commission*

(12) The accompanying measures for cooperation and the reporting obligations of Member States have not been sufficient until now to allow a complete analysis whether polluters face effective, dissuasive and proportionate penalties and that adequate data is made available to the Commission to monitor the implementation of Directive 2005/35/EC. In order to ensure the effective and consistent enforcement of Directive 2005/35/EC, exchange of information and experience should be facilitated through enhanced cooperation, while at the same time ensuring that adequate data are made available to the Commission in order to allow the proper monitoring of the implementation of Directive 2005/35/EC.

*Amendment*

(12) The accompanying measures for cooperation and the reporting obligations of Member States have not been sufficient until now to allow a complete analysis whether polluters face effective, dissuasive and proportionate penalties and that adequate data is made available to the Commission to monitor the implementation of Directive 2005/35/EC. In order to ensure the effective and consistent enforcement of Directive 2005/35/EC, exchange of information and experience should be facilitated through enhanced cooperation, while at the same time ensuring that adequate data are made available to the Commission in order to allow the proper monitoring of the implementation of Directive 2005/35/EC. ***In this context, the Member States should also exchange on best practices and actions taken to prevent marine waste, including fisheries waste, how more eco-design could be used to reduce the most common marine waste detected and their impacts on the environment, and good actions deployed to recover marine waste already at sea.***

**Amendment 21**  
**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

**Proposal for a directive**  
**Recital 12**

*Text proposed by the Commission*

(12) The accompanying measures for cooperation and the reporting obligations of Member States have not been sufficient until now to allow a complete analysis whether polluters face effective, dissuasive and proportionate penalties and that adequate data is made available to the Commission to monitor the implementation of Directive 2005/35/EC. In order to ensure the effective and consistent enforcement of Directive 2005/35/EC, exchange of information and experience should be facilitated through enhanced cooperation, while at the same time ensuring that adequate data are made available to the Commission in order to allow the proper monitoring of the implementation of Directive 2005/35/EC.

*Amendment*

(12) The accompanying measures for cooperation and the reporting obligations of Member States have not been sufficient until now to allow a complete analysis whether polluters face effective, dissuasive and proportionate penalties and that adequate data is made available to the Commission to monitor the implementation of Directive 2005/35/EC. In order to ensure the effective and consistent enforcement of Directive 2005/35/EC, exchange of information and experience should be facilitated through enhanced cooperation, while at the same time ensuring that adequate data are made available to the Commission in order to allow the proper monitoring of the implementation of Directive 2005/35/EC. ***The rights of crew members who report any offenses they encounter should be diligently safeguarded.***

Or. en

**Amendment 22**

**Catherine Chabaud, Pierre Karleskind**

**Proposal for a directive**

**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) Regulation (EU) 2021/1139 of the European Parliament and of the Council includes possibility for Member States to support actions to improve the eco-design of fishing gear as well as supporting actions for prevention and recovery of marine waste.***

Or. en

**Amendment 23**

**Ana Miranda**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) The existing satellite-based service ‘CleanSeaNet’ which notifies Member States authorities on potential illegal discharges, should be further enhanced to include information on the additional polluting substances under the scope of Directive 2005/35/EC. Information relating to potential or actual discharges reported by Member States in accordance with Directive 2005/35/EC and to other Union maritime safety databases, such as the Union Maritime Information and Exchange System established by Directive 2002/59/EC of the European Parliament and of the Council<sup>27</sup> (‘SafeSeaNet’) and the Inspection Database set up by Directive 2009/16/EC of the European Parliament and of the Council<sup>28</sup> (‘THETIS’) should be integrated and disseminated in a user-friendly electronic format to the national authorities involved in the enforcement chain in order to facilitate their timely response. Such information, when relating to an actual or potential discharge of Exhaust Gas Cleaning System residue from a ship, should further be automatically disseminated to the dedicated module of THETIS set up by under Commission Implementing Decision 2015/253 (‘THETIS-EU’), in order to assist Member States with enforcement actions undertaken in accordance with the provisions of Directive (EU) 2016/802. In order to ensure the effective monitoring of the Directive’s implementation by all Member States, a verification rate of 10% per year of the alerts sent by CleanSeaNet should be ensured by each Member State within the first three years from the transposition of this Directive. Access to this information should be granted to the authorities of other Member States having an interest in it under their roles as port States of the next port of call, coastal States affected by the

*Amendment*

(13) The existing satellite-based service ‘CleanSeaNet’ which notifies Member States authorities on potential illegal discharges, should be further enhanced to include information on the additional polluting substances under the scope of Directive 2005/35/EC. Information relating to potential or actual discharges reported by Member States in accordance with Directive 2005/35/EC and to other Union maritime safety databases, such as the Union Maritime Information and Exchange System established by Directive 2002/59/EC of the European Parliament and of the Council<sup>27</sup> (‘SafeSeaNet’) and the Inspection Database set up by Directive 2009/16/EC of the European Parliament and of the Council<sup>28</sup> (‘THETIS’) should be integrated and disseminated in a user-friendly electronic format to the national authorities involved in the enforcement chain *at the various levels* in order to facilitate their timely response. Such information, when relating to an actual or potential discharge of Exhaust Gas Cleaning System residue from a ship, should further be automatically disseminated to the dedicated module of THETIS set up by under Commission Implementing Decision 2015/253 (‘THETIS-EU’), in order to assist Member States with enforcement actions undertaken in accordance with the provisions of Directive (EU) 2016/802. In order to ensure the effective monitoring of the Directive’s implementation by all Member States, a verification rate of 10% per year of the alerts sent by CleanSeaNet should be ensured by each Member State within the first three years from the transposition of this Directive. Access to this information should be granted to the authorities of other Member States having an interest in it under their roles as port States of the next

potential discharge or flag States of the ship in order to facilitate effective and timely cross-border cooperation, minimise the administrative burden of enforcement activities and ultimately effectively penalise offenders for infringements of Directive 2005/35/EC.

port of call, coastal States affected by the potential discharge or flag States of the ship in order to facilitate effective and timely cross-border cooperation, minimise the administrative burden of enforcement activities and ultimately effectively penalise offenders for infringements of Directive 2005/35/EC.

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<sup>27</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

<sup>28</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast) (OJ L 131, 28.5.2009, p. 57).

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<sup>27</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p.10)

<sup>28</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast) (OJ L 131, 28.5.2009, p. 57).

Or. es

## **Amendment 24**

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

### **Proposal for a directive**

#### **Recital 13**

##### *Text proposed by the Commission*

(13) The existing satellite-based service ‘CleanSeaNet’ which notifies Member States authorities on potential illegal discharges, should be further enhanced to include information on the additional polluting substances under the scope of Directive 2005/35/EC. Information relating to potential or actual discharges reported by Member States in accordance with Directive 2005/35/EC and to other Union maritime safety databases, such as the Union Maritime Information and Exchange System established by Directive 2002/59/EC of the European Parliament and of the Council<sup>27</sup> (‘SafeSeaNet’) and the Inspection Database set up by Directive 2009/16/EC of the European Parliament

##### *Amendment*

(13) The existing satellite-based service ‘CleanSeaNet’ which notifies Member States authorities on potential illegal discharges, should be further enhanced to include information on the additional polluting substances under the scope of Directive 2005/35/EC. Information relating to potential or actual discharges reported by Member States in accordance with Directive 2005/35/EC and to other Union maritime safety databases, such as the Union Maritime Information and Exchange System established by Directive 2002/59/EC of the European Parliament and of the Council<sup>27</sup> (‘SafeSeaNet’) and the Inspection Database set up by Directive 2009/16/EC of the European Parliament

and of the Council<sup>28</sup> ('THETIS') should be integrated and disseminated in a user-friendly electronic format to the national authorities involved in the enforcement chain in order to facilitate their timely response. Such information, when relating to an actual or potential discharge of Exhaust Gas Cleaning System residue from a ship, should further be automatically disseminated to the dedicated module of THETIS set up by under Commission Implementing Decision 2015/253 ('THETIS-EU'), in order to assist Member States with enforcement actions undertaken in accordance with the provisions of Directive (EU) 2016/802. In order to ensure the effective monitoring of the Directive's implementation by all Member States, a verification rate of 10% per year of the alerts sent by CleanSeaNet should be ensured by each Member State within the first three years from the transposition of this Directive. Access to this information should be granted to the authorities of other Member States having an interest in it under their roles as port States of the next port of call, coastal States affected by the potential discharge or flag States of the ship in order to facilitate effective and timely cross-border cooperation, minimise the administrative burden of enforcement activities and ultimately effectively penalise offenders for infringements of Directive 2005/35/EC.

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<sup>27</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

<sup>28</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast) (OJ L 131, 28.5.2009, p. 57).

and of the Council<sup>28</sup> ('THETIS') should be integrated and disseminated in a user-friendly electronic format to the national authorities involved in the enforcement chain in order to facilitate their timely response. Such information, when relating to an actual or potential discharge of Exhaust Gas Cleaning System residue from a ship, should further be automatically disseminated to the dedicated module of THETIS set up by under Commission Implementing Decision 2015/253 ('THETIS-EU'), in order to assist Member States with enforcement actions undertaken in accordance with the provisions of Directive (EU) 2016/802. In order to ensure the effective monitoring of the Directive's implementation by all Member States, a verification rate of 10% per year of the alerts sent by CleanSeaNet should be ensured by each Member State within the first three years from the transposition of this Directive. Access to this information should be granted to the authorities of other Member States having an interest in it under their roles as port States of the next port of call, coastal States affected by the potential discharge or flag States of the ship in order to facilitate effective and timely cross-border cooperation, minimise the administrative burden of enforcement activities and ultimately effectively ***and proportionately*** penalise offenders for infringements of Directive 2005/35/EC.

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<sup>27</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

<sup>28</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast) (OJ L 131, 28.5.2009, p. 57).

Or. en

## **Amendment 25**

**Ana Miranda**

### **Proposal for a directive**

#### **Recital 13**

##### *Text proposed by the Commission*

(13) The existing satellite-based service ‘CleanSeaNet’ which notifies Member States authorities on potential illegal discharges, should be further enhanced to include information on the additional polluting substances under the scope of Directive 2005/35/EC. Information relating to potential or actual discharges reported by Member States in accordance with Directive 2005/35/EC and to other Union maritime safety databases, such as the Union Maritime Information and Exchange System established by Directive 2002/59/EC of the European Parliament and of the Council<sup>27</sup>(‘SafeSeaNet’) and the Inspection Database set up by Directive 2009/16/EC of the European Parliament and of the Council<sup>28</sup>(‘THETIS’) should be integrated and disseminated in a user-friendly electronic format to the national authorities involved in the enforcement chain in order to facilitate their timely response. Such information, when relating to an actual or potential discharge of Exhaust Gas Cleaning System residue from a ship, should further be automatically disseminated to the dedicated module of THETIS set up by under Commission Implementing Decision 2015/253 (‘THETIS-EU’), in order to assist Member States with enforcement actions undertaken in accordance with the provisions of Directive (EU) 2016/802. In order to ensure the effective monitoring of the Directive’s implementation by all Member States, a verification rate of 10% per year of the alerts sent by CleanSeaNet should be ensured by each Member State within the first three years form the transposition of this Directive. Access to this information

##### *Amendment*

(13) The existing satellite-based service ‘CleanSeaNet’ which notifies Member States authorities on potential illegal discharges, should be further enhanced to include information on the additional polluting substances under the scope of Directive 2005/35/EC. Information relating to potential or actual discharges reported by Member States in accordance with Directive 2005/35/EC and to other Union maritime safety databases, such as the Union Maritime Information and Exchange System established by Directive 2002/59/EC of the European Parliament and of the Council<sup>27</sup> (‘SafeSeaNet’) and the Inspection Database set up by Directive 2009/16/EC of the European Parliament and of the Council<sup>28</sup> (‘THETIS’) should be integrated and disseminated in a user-friendly electronic format to the national authorities involved in the enforcement chain in order to facilitate their timely response. Such information, when relating to an actual or potential discharge of Exhaust Gas Cleaning System residue from a ship, should further be automatically disseminated to the dedicated module of THETIS set up by under Commission Implementing Decision 2015/253 (‘THETIS-EU’), in order to assist Member States with enforcement actions undertaken in accordance with the provisions of Directive (EU) 2016/802. In order to ensure the effective monitoring of the Directive’s implementation by all Member States, a verification rate of 10% per year of the alerts sent by CleanSeaNet should be ensured by each Member State within the first three years form the transposition of this Directive. Access to this information

should be granted to the authorities of other Member States having an interest in it under their roles as port States of the next port of call, coastal States affected by the potential discharge or flag States of the ship in order to facilitate effective and timely cross-border cooperation, minimise the administrative burden of enforcement activities and ultimately effectively penalise offenders for infringements of Directive 2005/35/EC.

should be granted to ***the public***, the authorities of other Member States having an interest in it under their roles as port States of the next port of call, coastal States affected by the potential discharge or flag States of the ship in order to facilitate effective and timely cross-border cooperation, minimise the administrative burden of enforcement activities and ultimately effectively penalise offenders for infringements of Directive 2005/35/EC.

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<sup>27</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. **10**).

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<sup>27</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. **10**)

<sup>28</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast) (OJ L 131, 28.5.2009, p. 57).

<sup>28</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast) (OJ L 131, 28.5.2009, p. 57).

Or. es

## **Amendment 26**

### **Ana Miranda**

#### **Proposal for a directive**

#### **Recital 13**

##### *Text proposed by the Commission*

(13) The existing satellite-based service ‘CleanSeaNet’ which notifies Member States authorities on potential illegal discharges, should be further enhanced to include information on the additional polluting substances under the scope of Directive 2005/35/EC. Information relating to potential or actual discharges reported by Member States in accordance with Directive 2005/35/EC and to other Union maritime safety databases, such as the Union Maritime Information and Exchange System established by Directive 2002/59/EC of the European Parliament

##### *Amendment*

(13) The existing satellite-based service ‘CleanSeaNet’ which notifies Member States authorities on potential illegal discharges, should be further enhanced to include information on the additional polluting substances under the scope of Directive 2005/35/EC. Information relating to potential or actual discharges reported by Member States in accordance with Directive 2005/35/EC and to other Union maritime safety databases, such as the Union Maritime Information and Exchange System established by Directive 2002/59/EC of the European Parliament



and of the Council<sup>27</sup>(‘SafeSeaNet’) and the Inspection Database set up by Directive 2009/16/EC of the European Parliament and of the Council<sup>28</sup>(‘THETIS’) should be integrated and disseminated in a user-friendly electronic format to the national authorities involved in the enforcement chain in order to facilitate their timely response. Such information, when relating to an actual or potential discharge of Exhaust Gas Cleaning System residue from a ship, should further be automatically disseminated to the dedicated module of THETIS set up by under Commission Implementing Decision 2015/253 (‘THETIS-EU’), in order to assist Member States with enforcement actions undertaken in accordance with the provisions of Directive (EU) 2016/802. In order to ensure the effective monitoring of the Directive’s implementation by all Member States, a verification rate of 10% per year of the alerts sent by CleanSeaNet should be ensured by each Member State within the first **three years form** the transposition of this Directive. Access to this information should be granted to the authorities of other Member States having an interest in it under their roles as port States of the next port of call, coastal States affected by the potential discharge or flag States of the ship in order to facilitate effective and timely cross-border cooperation, minimise the administrative burden of enforcement activities and ultimately effectively penalise offenders for infringements of Directive 2005/35/EC.

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<sup>27</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. **10**).

<sup>28</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast) (OJ L 131, 28.5.2009, p. 57).

and of the Council<sup>27</sup> (‘SafeSeaNet’) and the Inspection Database set up by Directive 2009/16/EC of the European Parliament and of the Council<sup>28</sup> (‘THETIS’) should be integrated and disseminated in a user-friendly electronic format to the national authorities involved in the enforcement chain in order to facilitate their timely response. Such information, when relating to an actual or potential discharge of Exhaust Gas Cleaning System residue from a ship, should further be automatically disseminated to the dedicated module of THETIS set up by under Commission Implementing Decision 2015/253 (‘THETIS-EU’), in order to assist Member States with enforcement actions undertaken in accordance with the provisions of Directive (EU) 2016/802. In order to ensure the effective monitoring of the Directive’s implementation by all Member States, a verification rate of 10% per year of the alerts sent by CleanSeaNet should be ensured by each Member State within the first **year from** the transposition of this Directive. Access to this information should be granted to the authorities of other Member States having an interest in it under their roles as port States of the next port of call, coastal States affected by the potential discharge or flag States of the ship in order to facilitate effective and timely cross-border cooperation, minimise the administrative burden of enforcement activities and ultimately effectively penalise offenders for infringements of Directive 2005/35/EC.

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<sup>27</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p.**10**)

<sup>28</sup> Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (recast) (OJ L 131, 28.5.2009, p. 57).

**Amendment 27****Catherine Chabaud, Pierre Karleskind****Proposal for a directive****Recital 14***Text proposed by the Commission*

(14) The Sub-group on Waste from Ships, which was set up under the European Sustainable Shipping Forum, and which brought together a wide range of experts in the field of ship-source pollution and the management of waste from ships, was adjourned in December 2017 in view of the start of interinstitutional negotiations of Directive (EU) 2019/883. Since that temporary Sub-group provided valuable guidance and expertise to the Commission, a similar expert group should be created with a mandate of exchanging experience on the application of this Directive in order to assist Member States in building their capacity to detect and verify pollution incidents and ensure the effective enforcement of Directive 2005/35/EC.

*Amendment*

(14) The Sub-group on Waste from Ships, which was set up under the European Sustainable Shipping Forum, and which brought together a wide range of experts in the field of ship-source pollution and the management of waste from ships, was adjourned in December 2017 in view of the start of interinstitutional negotiations of Directive (EU) 2019/883. Since that temporary Sub-group provided valuable guidance and expertise to the Commission, a similar expert group should be created with a mandate of exchanging experience on the application of this Directive in order to assist Member States in building their capacity to detect and verify pollution incidents and ensure the effective enforcement of Directive 2005/35/EC. ***It is also of importance to include all relevant stakeholders in these sub-groups, including the fisheries sector.***

Or. en

**Amendment 28****Catherine Chabaud, Pierre Karleskind****Proposal for a directive****Recital 15***Text proposed by the Commission*

(15) The European Maritime Safety Agency ('EMSA') established by Regulation (EU) xxxx/xxxx<sup>29</sup> should provide the necessary support to the

*Amendment*

(15) The European Maritime Safety Agency ('EMSA') established by Regulation (EU) xxxx/xxxx<sup>29</sup> should provide the necessary support to the

Commission to ensure the implementation of this Directive.

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<sup>29</sup> OJ L xxxx.

Commission to ensure the implementation of this Directive. ***The Commission should also utilize the data gathered by EFCA, where appropriate, especially in relation to lost fishing gear.***

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<sup>29</sup> OJ L xxxx.

Or. en

## **Amendment 29**

### **Ana Miranda**

#### **Proposal for a directive**

#### **Recital 18**

##### *Text proposed by the Commission*

(18) In order to increase public awareness in ship-source pollution discharges and improve environmental protection, information provided by the Member States on the application of Directive 2005/35/EC should be made publicly available through a Union-wide overview and include the information listed in Annex II of Directive 2005/35/EC. Directive 2003/4/EC of the European Parliament and of the Council<sup>30</sup> aims to guarantee the right of access to environmental information in the Member States in line with the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention), to which the Union is a party. The Commission should protect the confidentiality of information received by Member States, without prejudice to the provisions of Directive 2003/4/EC.

##### *Amendment*

(18) In order to increase public awareness in ship-source pollution discharges and improve environmental protection, information provided by the Member States on the application of Directive 2005/35/EC should be made publicly available through a Union-wide overview and include the information listed in Annex II of Directive 2005/35/EC. ***To this end, it is essential to provide statistics on the number and location of discharges detected by the CleanSeaNet system, and to publish an annual report containing the data received, the number of discharges that were verified and confirmed, and the number of administrative and criminal penalties that were applied.*** Directive 2003/4/EC of the European Parliament and of the Council<sup>30</sup> aims to guarantee the right of access to environmental information in the Member States in line with the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention), to which the Union is a party. The Commission should protect the confidentiality of information received by Member States, without prejudice to the

provisions of Directive 2003/4/EC.

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<sup>30</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

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<sup>30</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

Or. es

### **Amendment 30**

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

#### **Proposal for a directive**

#### **Recital 18**

##### *Text proposed by the Commission*

(18) In order to increase public awareness in ship-source pollution discharges **and** improve environmental protection, information provided by the Member States on the application of Directive 2005/35/EC should be made publicly available through a Union-wide overview and include the information listed in Annex II of Directive 2005/35/EC. Directive 2003/4/EC of the European Parliament and of the Council<sup>30</sup> aims to guarantee the right of access to environmental information in the Member States in line with the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention), to which the Union is a party. The Commission should protect the confidentiality of information received by Member States, without prejudice to the provisions of Directive 2003/4/EC.

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<sup>30</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28

##### *Amendment*

(18) In order to increase public awareness in ship-source pollution discharges, improve environmental protection, **contribute to the goal of restoring nature and respect the commitments of European Green Deal**, information provided by the Member States on the application of Directive 2005/35/EC should be made publicly available through a Union-wide overview and include the information listed in Annex II of Directive 2005/35/EC. Directive 2003/4/EC of the European Parliament and of the Council<sup>30</sup> aims to guarantee the right of access to environmental information in the Member States in line with the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention), to which the Union is a party. The Commission should protect the confidentiality of information received by Member States, without prejudice to the provisions of Directive 2003/4/EC.

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<sup>30</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28

January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

Or. en

## **Amendment 31**

### **Anja Haga**

#### **Proposal for a directive**

#### **Recital 21**

##### *Text proposed by the Commission*

(21) Discussions are ongoing at the IMO regarding new environmental issues in relation to international shipping, resulting in both water and air pollution. These include the water pollutants of marine litter, such as the loss of containers and plastic pellets, and underwater noise and air pollutants such as black carbon. These discussions may result in new regulations under Marpol 73/78. Moreover, Directive 2008/56/EC of the European parliament and of the Council<sup>34</sup> requires Member States to achieve good environmental status in the marine environment, which includes, amongst others, marine litter and underwater noise from ships as qualitative descriptors. Relatedly, Directive (EU) 2023/xxxx<sup>35</sup> sets limit values for nitrogen dioxide (NO<sub>2</sub>) resulting from nitrogen oxide (NO<sub>x</sub>) emissions. Shipping activities contribute to higher NO<sub>2</sub> levels in coastal and port areas. Against this background, a future review of Directive 2005/35/EC should take into account new developments and the Commission should examine the possibility of modifying the scope of this Directive, if appropriate, in view of any new international standards under Marpol 73/78. A future review should assess the possibility of modifying the scope of Directive 2005/35/EC, if appropriate, to incorporate SO<sub>x</sub> and NO<sub>x</sub> emissions, as regulated in Annex VI to Marpol, based on

##### *Amendment*

(21) Discussions are ongoing at the IMO regarding new environmental issues in relation to international shipping, resulting in both water and air pollution. These include the water pollutants of marine litter, such as the loss of containers and plastic pellets, and underwater noise and air pollutants such as black carbon. These discussions may result in new regulations under Marpol 73/78. ***A future review of Marpol 73/79 should also include zero pollution from (micro)plastics and PFAS.*** Moreover, Directive 2008/56/EC of the European parliament and of the Council<sup>34</sup> requires Member States to achieve good environmental status in the marine environment, which includes, amongst others, marine litter and underwater noise from ships as qualitative descriptors. Relatedly, Directive (EU) 2023/xxxx<sup>35</sup> sets limit values for nitrogen dioxide (NO<sub>2</sub>) resulting from nitrogen oxide (NO<sub>x</sub>) emissions. Shipping activities contribute to higher NO<sub>2</sub> levels in coastal and port areas. Against this background, a future review of Directive 2005/35/EC should take into account new developments and the Commission should examine the possibility of modifying the scope of this Directive, if appropriate, in view of any new international standards under Marpol 73/78. A future review should assess the possibility of modifying the scope of

the experience gained in implementing the Directive (EU) 2016/802 and on the development and maturity of monitoring and detecting SOx and NOx emissions from ships, with a view to ensure a coherent, efficient and effective enforcement regime, as well as the imposition of dissuasive penalties therefor, in line with the Zero Pollution Action Plan and, in particular, Flagship 5 thereof ‘Enforcing zero pollution together’.

Directive 2005/35/EC, if appropriate, to incorporate SOx and NOx emissions, as regulated in Annex VI to Marpol, based on the experience gained in implementing the Directive (EU) 2016/802 and on the development and maturity of monitoring and detecting **CO<sub>2</sub>**, SOx and NOx emissions from ships, with a view to ensure a coherent, efficient and effective enforcement regime, as well as the imposition of dissuasive penalties therefor, in line with the Zero Pollution Action Plan and, in particular, Flagship 5 thereof ‘Enforcing zero pollution together’.

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<sup>34</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance) (OJ L 164, 25.6.2008, p. 19).

<sup>35</sup> OJ L xxxx.

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<sup>34</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance) (OJ L 164, 25.6.2008, p. 19).

<sup>35</sup> OJ L xxxx.

Or. en

## Amendment 32

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2

Directive 2005/35/EC

Article 1

#### *Text proposed by the Commission*

1. The purpose of this Directive is to incorporate into Union law international standards on pollution from ships and to ensure that persons responsible for illegal discharges of polluting substances are subject to dissuasive, effective and proportionate administrative penalties in order to improve maritime safety and to enhance protection of the marine environment from pollution by ships.

#### *Amendment*

1. The purpose of this Directive is to incorporate into Union law international standards on pollution from ships and to ensure that persons responsible for illegal discharges of polluting substances are subject to dissuasive, effective and proportionate administrative penalties in order to improve maritime safety, ***to contribute to the goal of restoring nature, respect the commitments of European Green Deal*** and to enhance protection of

the marine environment from pollution by ships.

Or. en

**Amendment 33**  
**Catherine Chabaud**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2005/35/EC  
Article 2 – paragraph 2

*Text proposed by the Commission*

2. ‘polluting substances’ means substances subject to regulation by Marpol 73/78 Annexes I (oil), II (noxious liquid substances in bulk), III (harmful substances carried by sea in packaged form), IV (sewage from ships), V (garbage from ships) and Exhaust Gas Cleaning System residue;

*Amendment*

2. ‘polluting substances’ means substances subject to regulation by Marpol 73/78 Annexes I (oil), II (noxious liquid substances in bulk), III (harmful substances carried by sea in packaged form), IV (sewage from ships), V (garbage from ships) and Exhaust Gas Cleaning System residue, ***in its up-to-date version***;

Or. en

**Amendment 34**  
**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4**  
Directive 2005/35/EC  
Article 4

*Text proposed by the Commission*

2. Each Member State shall take ***the*** necessary measures to ensure that any natural or legal person having committed an infringement within the meaning of paragraph 1 is held liable therefor.;

*Amendment*

2. Each Member State shall take ***all*** necessary measures to ensure that any natural or legal person having committed an infringement within the meaning of paragraph 1 is held liable therefor.;

Or. en

## Amendment 35

Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5

Directive 2005/35/EC

Article 5

#### *Text proposed by the Commission*

1. A discharge of polluting substances subject to regulation by Annexes I, II and VI to Marpol 73/78 into the areas set out in Article 3(1) points (c), (d) and (e) shall not be regarded as an infringement for the company, the master or the crew, **if both** of the following conditions are fulfilled:

#### *Amendment*

1. A discharge of polluting substances subject to regulation by Annexes I, II and VI to Marpol 73/78 into the areas set out in Article 3(1) points (c), (d) and (e) shall not be regarded as an infringement for the company, the master or the crew **if it is a direct result of force majeure; justified only if compelling evidence is provided; or if all** of the following conditions are fulfilled:

Or. en

#### *Justification*

*For instance: Unforeseen navigational accidents, collisions with other vessels, or accidents involving underwater obstacles, like submerged containers or debris, that result in damage to a ship's equipment and lead to unintended polluting discharges. In such cases, the ship's company, master, or crew may be exempt from liability if they can demonstrate that they took all reasonable precautions to prevent or minimize the discharge once the accident occurred.*

*Extreme and unexpected weather conditions, crisis or emergency response, etc...*

## Amendment 36

Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5

Directive 2005/35/EC

Article 5

#### *Text proposed by the Commission*

#### *Amendment*

**(ba) the discharge was immediately reported to the authorities after its occurrence.**

Or. en



## Amendment 37

Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5

Directive 2005/35/EC

Article 5

#### *Text proposed by the Commission*

2. Paragraph 1 shall not apply where the company, the master or the crew responsible for the damage acted either with intent to cause damage or recklessly and with knowledge that damage would probably result.;

#### *Amendment*

2. Paragraph 1 shall not apply where the company, the master or the crew responsible for the damage acted either with intent to cause damage or recklessly and with knowledge that damage would probably result. ***Acting against safety rules, good practices, and ignoring warnings in particular, when demonstrated that risks have been taken with full awareness of the danger;***

Or. en

## Amendment 38

Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou

### Proposal for a directive

#### Article 1 – paragraph 1 – point 13

Directive 2005/35/EC

Article 8d

#### *Text proposed by the Commission*

#### *Amendment*

***(aa) content and quantity of discharged waste as aggravating factors;***

Or. en

#### *Justification*

*Member States are encouraged to tailor penalties to the specific content of the waste discharged and to differentiate between different types of waste, as to assign higher penalties to the illegal discharge of materials with increased environmental risk.*

*Member States should create penalty brackets based on the volume or quantity of waste discharged. Smaller discharges may receive lower penalties, while larger or more significant*

*discharges result in higher fines.*

#### **Amendment 39**

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13**

Directive 2005/35/EC

Article 8d

*Text proposed by the Commission*

*Amendment*

**(ab) ship size categories;**

Or. en

#### *Justification*

*Member States are encouraged to establish a tiered penalty structure where the fines or penalties increase with the size of the vessel. Larger ships may face more substantial fines compared to smaller ones for similar offenses.*

#### **Amendment 40**

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13**

Directive 2005/35/EC

Article 8d

*Text proposed by the Commission*

*Amendment*

**(c) the damage caused from the discharge to the environment or human health;**

**(c) the damage caused from the discharge to the environment or human health, *environmental impact assessment and the cost of environmental restoration*;**

Or. en

#### *Justification*

*Member States are encouraged to conduct an assessment of the environmental impact of the offense, considering factors such as local ecosystem sensitivity, potential harm to wildlife, and damage to coastal areas, and thereby adjust penalties based on the severity of the environmental impact, with a focus on mitigating and restoring affected ecosystems.*

*Penalties should cover the expenses required to remediate the environmental damage caused*

*by the illegal discharge, ensuring that polluters bear the financial responsibility for cleanup and restoration efforts.*

#### **Amendment 41**

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13**

Directive 2005/35/EC

Article 8d

*Text proposed by the Commission*

*Amendment*

**(fa) measures taken by the responsible person or company to inform the competent authorities, or hierarchy in the case of a company employee;**

Or. en

*Justification*

*Member States may take into consideration reduced penalties for those individuals who inform authorities or, if they are employees, their supervisors for infringement as a way to balance accountability and cooperation while promoting environmental responsibility. It may encourage honesty, efficient resource allocation, and prompt remediation efforts while ensuring fairness and equity in the treatment of environmental violations.*

#### **Amendment 42**

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13**

Directive 2005/35/EC

Article 8d

*Text proposed by the Commission*

*Amendment*

**(h) any previous *infringement* by the responsible person.**

**(h) amount and volume of previous *infringements* by the responsible person.**

Or. en

*Justification*

*Member States are encouraged to implement a system that increases penalties for repeat offenders. For example, for each subsequent offense committed by the same ship, the penalty*

*could be multiplied. It is prerogative to define clear thresholds for the number of repeat offenses and specify the multiplier to be applied in each case. Member States should consider increasing penalties exponentially for habitual offenders to create a strong deterrent against persistent violations.*

#### **Amendment 43**

**Catherine Chabaud, Pierre Karleskind**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13**

Directive 2005/35/EC

Article 8d – paragraph 1a

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall take into account obligations stemming from other Union acts such as Regulation (EC) No 1224/2009 on Fisheries Control when implementing the obligations under paragraph 1.***

Or. en

#### **Amendment 44**

**Catherine Chabaud**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 14**

Directive 2005/35/EC

Article 10 – paragraph 1a

*Text proposed by the Commission*

*Amendment*

***1a. The Member States and the Commission shall cooperate in the exchange of information on best practices and actions taken to prevent marine waste, including fisheries waste, how more eco-design could be used to reduce the most common marine waste detected and their impacts on the environment, and good actions deployed to recover marine waste already at sea.***

Or. en

## Amendment 45

France Jamet

### Proposal for a directive

#### Article premier – paragraph 1 – point 14

Directive 2005/35/EC of the European Parliament and of the Council

Article 10

#### *Text proposed by the Commission*

2. The Commission shall provide for the organisation of exchange of experiences between Member States' national authorities and experts, including those from the private sector, civil society and trade unions, on the application of this Directive across the Union, with a view to establish common practices and guidelines on the enforcement of this Directive.;

#### *Amendment*

2. The Commission shall provide for the organisation of exchange of experiences between Member States' national authorities, ***fishers, elected representatives involved in the maritime sector*** and experts, including those from the private sector, civil society and trade unions, on the application of this Directive across the Union, with a view to establish common practices and guidelines on the enforcement of this Directive.';

Or. fr

## Amendment 46

Catherine Chabaud

### Proposal for a directive

#### Article 1 – paragraph 1 – point 15

Directive 2005/35/EC

Article 10a – paragraph 2a

#### *Text proposed by the Commission*

#### *Amendment*

***2a. Member States shall also report on the measures taken in relation to prevention and recovery of marine waste as well as actions to replace materials in gears and products used at sea, such as expanded polystyrene containers and packaging, as appropriate, taking into account other reporting obligations under other Union acts.***

Or. en

## Amendment 47

Catherine Chabaud, Pierre Karleskind

### Proposal for a directive

#### Article 1 – paragraph 1 – point 15

Directive 2005/35/EC

Article 10c – paragraph 1

#### *Text proposed by the Commission*

1. Based on information reported by Member States in accordance with Article 10a, the Commission shall make publicly available a regularly updated Union-wide overview on the implementation and enforcement of this Directive. The overview shall include the information listed in Annex II to this Directive.

#### *Amendment*

1. Based on information reported by Member States in accordance with Article 10a ***as well as relevant information received under other Union acts, such as Regulation (EC) No 1224/2009 in relation to lost fishing gear***, the Commission shall make publicly available a regularly updated Union-wide overview on the implementation and enforcement of this Directive. The overview shall include the information listed in Annex II to this Directive.

Or. en

## Amendment 48

Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou

### Proposal for a directive

#### Article 1 – paragraph 1 – point 15

Directive 2005/35/EC

Article 10d

#### *Text proposed by the Commission*

1. The Commission shall develop ***and*** maintain a confidential online external reporting channel for receiving reports, within the meaning of Directive (EU) 2019/1937<sup>40</sup> on potential infringements of this Directive and shall relay such reports to the Member State or Member States concerned.

#### *Amendment*

1. The Commission shall develop, maintain ***and make easily accessible to the public***, a confidential online external reporting channel for receiving reports, within the meaning of Directive (EU) 2019/1937<sup>40</sup> on potential infringements of this Directive and shall relay such reports to the Member State or Member States concerned.

<sup>40</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

<sup>40</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

Or. en

#### **Amendment 49**

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 15**

Directive 2005/35/EC

Article 10d

##### *Text proposed by the Commission*

2. Member States shall ensure that national competent authorities receiving reports of violations of this Directive, submitted through the channel referred to in paragraph 1, provide feedback and follow-up on those reports in accordance with Directive (EU) 2019/1937.

##### *Amendment*

2. Member States shall ensure that national competent authorities receiving reports of violations of this Directive, submitted through the channel referred to in paragraph 1, ***investigate, where appropriate, act upon, and*** provide ***prompt*** feedback and follow-up on those reports in accordance with Directive (EU) 2019/1937.

Or. en

#### **Amendment 50**

**Predrag Fred Matić, Isabel Carvalhais, Pietro Bartolo, Nikos Papandreou**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 15**

Directive 2005/35/EC

Article 10d

##### *Text proposed by the Commission*

##### *Amendment*

***2a. Member States shall ensure that individuals who report potential infringements within this Directive shall not suffer any adverse employment consequences, harassment, threats, or discrimination as a result of their***

*disclosure. The identity of whistle-blowers shall be kept confidential to the extent permitted by law. Whistle-blowers shall not be considered liable for their disclosure, provided that it is made in good faith and without malice.*

Or. en

**Amendment 51**  
**Catherine Chabaud, Pierre Karleskind**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 18**  
Directive 2005/35/EC  
Article 12a – paragraph ba

*Text proposed by the Commission*

*Amendment*

*(ba) relevant information gathered under other Union acts, such as Regulation (EC) No 1224/2009.*

Or. en

**Amendment 52**  
**Catherine Chabaud**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 18**  
Directive 2005/35/EC  
Article 12a – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. As part of the review, the Commission shall assess the possibility of modifying the scope of this Directive, if appropriate, in view of among other elements the international standards for the prevention of air pollution from ships subject to regulation by Marpol 73/78, notably sulphur oxide and nitrogen oxide emissions from ships, as well as in view of other standards regulating discharges from ships which have been made subject to

2. As part of the review, the Commission shall assess the possibility of modifying the scope of this Directive, if appropriate, in view of among other elements the international standards for the prevention of air pollution from ships, ***including fishing vessels***, subject to regulation by Marpol 73/78, notably sulphur oxide and nitrogen oxide emissions from ships, as well as in view of other standards regulating discharges from ships



regulation by Marpol 73/78, such as black carbon, marine litter, container loss, loss of plastic pellets and underwater noise.

which have been made subject to regulation by Marpol 73/78, such as black carbon, marine litter, container loss, loss of plastic pellets and underwater noise.

Or. en

### **Amendment 53**

**Catherine Chabaud, Pierre Karleskind**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 18**

Directive 2005/35/EC

Article 12a – paragraph 2a

*Text proposed by the Commission*

*Amendment*

***2a. The Commission shall also compile the information Member States have submitted pursuant to Article 10a paragraph 2a and assess whether further actions on EU-level is needed and present, as appropriate, proposals to that effect.***

Or. en