



2023/0171(COD)

21.9.2023

DRAFT OPINION

of the Committee on Fisheries

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences (COM(2023)273 – C9-0187/2023 – 2023/0171(COD))

Rapporteur for opinion: Cláudia Monteiro de Aguiar

PA_Legam

SHORT JUSTIFICATION

The conservation of marine biological resources is at the core of the Common Fisheries Policy as the fishing sector is a victim of marine pollution which includes, among many other sources, illegal discharges of polluting substances into the sea from ships.

Therefore, the Rapporteur welcomes this Commission proposal updating Directive [2005/35/EC¹ on ship-source pollution](#) and the introduction of penalties for pollution offences.

The Rapporteur points out that the definition of ship source pollution is outlined in Annexes I to VI of the International Convention for the Prevention of Pollution from Ships, 1973, and its 1978 Protocol (Marpol 73/78), which are legally binding for the European Union. The enforcement of higher standards will ensure a level playing field for the shipping sector, which has a transnational dimension with positive effects on marine ecosystems and thus fisheries.

The Rapporteur welcomes tighter emission limits; however, cautions that the inclusion of provisions on sulphur oxide and nitrogen oxide emissions from ship exhausts may have an impact on the EU fishing fleet, which is primarily comprised of ageing vessels belonging to SMEs with limited resources for investing in new low emission engines. The extension of the Directive's scope to cover additional substances under Marpol 73/78 will need to be strongly reflected in the EMFAF with increased support for low emission engines and fleet renewal. The Rapporteur urges the commission to support fleet renewal through EMFAF.

The rapporteur also introduces a new definition to the draft and underscores the need for vigilance in areas with significant fishing activity, defending the dual cause of ecological protection and sustenance of fishing communities. The Rapporteur also calls for an informed maritime community, emphasising the need for education and training.

Finally, the Rapporteur also recommends that the inclusion of feedback from fishing communities and a collaborative approach with maritime stakeholders highlight the Directive's complete vision, aiming to balance ecological protection with the sustainability of fishing communities.

To conclude, in addition to achieving a level playing field among third-country fleets operating in EU waters, the Rapporteur hopes that this will facilitate coordinated controls by Member States, as well as prosecution and cross-border enforcement, ultimately leading to a reduction in ship-source pollution.

AMENDMENTS

The Committee on Fisheries calls on the Committee on Transport and Tourism, as the committee responsible, to take the following into account:

¹ OJ L 255, 30.9.2005, p.11

Amendment 1

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) The EU fishing fleet is on average 31,5 years old, fleet renewal should be supported through EMFAF (Regulation EU 2021/1139) contributing to meet ever higher environmental regulations, especially for the development of sustainable small-scale coastal fishing.

Or. en

Amendment 2

Proposal for a directive Article 1 – paragraph 1 – point 3 Directive 2005/35/EC Article 2 – paragraph 1 – 7 new

Text proposed by the Commission

Amendment

7. 'Damage' refers to accidental physical harm impairing the value, usefulness, or normal function of the ship or its equipment, and does not include routine wear and tear.

Or. en

Amendment 3

Proposal for a directive Article 1 – paragraph 1 – point 5 Directive 2005/35/EC Article 5 – paragraph 1 – (c) new

Text proposed by the Commission

Amendment

(c) The company, the master, or the crew shall provide documentary evidence or logs detailing the precautions taken to prevent or minimise the discharge upon request by relevant authorities.

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2005/35/EC

Article 5 – paragraph 2

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 ***negligently*** or recklessly and with knowledge that damage would probably result.;

Or. en

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 2005/35/EC

Article 8 – paragraph 4 new

Text proposed by the Commission

Amendment

4. Member States are encouraged to include educational and training programs as part of the penalty system, ensuring that fishing operators, masters, and crews are informed about best practices and the importance of compliance.

Or. en

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2005/35/EC

Article 8 d – paragraph 1 – (i) new

Text proposed by the Commission

Amendment

(i) *The extent of the damage caused by the discharge to marine life, including fish populations, and its subsequent impact on fishing activities and coastal communities.*

Or. en

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2005/35/EC

Article 8 d – paragraph 1 – (j) new

Text proposed by the Commission

Amendment

(j) *In areas of significant fishing activity, Member States are encouraged to enforce enhanced monitoring mechanisms and consider stricter and dissuasive penalties to deter infringements.*

Or. en

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2005/35/EC

Article 10 – Paragraph 1 – (e) new

Text proposed by the Commission

Amendment

(e) *Ensure that relevant information, particularly concerning areas where ship-source pollution incidents occurred, is disseminated to fishing communities in a timely and comprehensible manner by national or local authorities.*

Or. en

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2005/35/EC

Article 10 – Paragraph 2

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 and experts, including those from the private sector, civil society, trade unions, and ***representatives from fishing communities and associations*** 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. en

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2005/35/EC

Article 10b – Paragraph 2 new

Text proposed by the Commission

Amendment

2. ***This training shall also encompass modules on the ecological impact of marine pollution, specifically focusing on the implications for fish populations, breeding grounds, and migratory patterns. Experts from the fisheries sector shall be invited to contribute to and participate in these training sessions, offering first-hand knowledge and insights into the effects of pollution on fishing activities and marine life. The Commission and Member States shall endeavour to disseminate key insights and information from these training sessions to fishing communities, ensuring they are well-informed and equipped to play a collaborative role in***

upholding the objectives of this Directive.

Or. en