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PROPOSAL

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 1 June 2023

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.: COM(2023) 273 final - ANNEXES 1 to 2

Subject: ANNEXES to 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

Delegations will find attached document COM(2023) 273 final - ANNEXES 1 to 2.

Encl.: COM(2023) 273 final - ANNEXES 1 to 2



EUROPEAN
COMMISSION

Brussels, 1.6.2023
COM(2023) 273 final

ANNEXES 1 to 2

ANNEXES

to 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**

{SEC(2023) 209 final} - {SWD(2023) 159 final} - {SWD(2023) 164 final}

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ANNEX [II]

NON-EXHAUSTIVE LIST OF IRREGULARITIES OR INFORMATION REFERRED TO IN ARTICLE 6

- (1) Any irregularities with respect to the oil and other relevant record books or with respect to other deficiencies related to potential discharges, discovered during inspections carried out under Directive 2009/16/EC¹, carried out either by the Member State concerned or by another Member State or a State signatory to the Memorandum of Understanding on Port State Control (Paris MOU) at the previous ports of call of the ship;
- (2) Any irregularities with respect to the delivery of ship-generated waste, or the notification thereof, as required under Directive (EU) 2019/883² which took place either in the Member State concerned or in the Member State of the previous ports of call of the ship;
- (3) Any irregularities with respect to non-compliance with the criteria for the use of exhaust gas cleaning systems operated as emissions abatement methods set out in Annex II of Directive (EU) 2016/802 of the European Parliament and of the Council³, which refers to the 2009 Guidelines for Exhaust Gas Cleaning Systems set out in Resolution MEPC.184(59)) as replaced by the 2021 Guidelines for Exhaust Gas Cleaning Systems set out in resolution MEPC.340(77).
- (4) Any information obtained from another Member State relating to a potential illegal discharge of the ship obtained through the procedures foreseen in Directive 2002/59/EC⁴, including any proof or presumptive evidence on deliberate discharges of oil or other infringements of Marpol 73/78 communicated by coastal stations of a Member State to the coastal stations in the Member State concerned in accordance with Article 16 thereof or incidents or accidents reported by the master of the ship to the coastal station of the Member State concerned in accordance with Article 17 thereof; or
- (5) Any other information by persons involved in the operation of the ship, including pilots, which suggests irregularities relating to potential violation of the obligations under this Directive.

¹ 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).

² Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116)

³ Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (codification) (OJ L 132, 21.5.2016, p. 58).

⁴ 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).

ANNEX [II]

INFORMATION TO BE INCLUDED IN THE UNION-WIDE OVERVIEW REFERRED TO IN ARTICLE 10C

- (1) For each pollution incident verified and confirmed by a Member State, information in the Union-wide overview published in accordance with Article 10c shall include:
 - a. date of the incident;
 - b. identification of the ship involved in the incident;
 - c. position (latitude and longitude) of the pollution incident;
 - d. extent of the pollution incident (area and length), if applicable;
 - e. type of pollutant;
 - f. Member State(s) involved;
 - g. description of the verification activities of the pollution incident;
 - h. date and time of verification activities and assets used for verification activities;
 - i. details of the administrative penalty imposed.
- (2) For each Member State, aggregated information contained in the Union-wide overview published in accordance with Article 10c shall include:
 - a. number of CleanSeaNet possible pollution incidents detected by the Member State;
 - b. number of CleanSeaNet possible pollution incidents verified on-scene by the Member State;
 - c. number of confirmed pollution incidents after verification (detailed per area: territorial waters, EEZ, high seas);
 - d. number of identified offenders;
 - e. number of cases where a penalty was imposed.