

Directive on Ship-Source Pollution Amended



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News

On 16 December 2024, [Directive \(EU\) 2024/3101](#) of the European Parliament and of the Council of 27 November 2024 amending Directive 2005/35/EC as regards ship-source pollution and on the introduction of administrative penalties for infringements was published in the EU's Official Journal L, 2024/3101.

The Directive updates the 2005 legal framework and incorporates into Union law international standards on illegal discharges from ships at sea. It also aims to ensure that those responsible for such discharges are subject to dissuasive, effective and proportionate sanctions. The main features of the Directive are as follows:

- Alignment with the definition of the international convention for the prevention of pollution from ships (MARPOL) and extension of the 2005 Directive's scope to cover illegal discharges of harmful substances in packaged form, sewage, waste and discharged waters and residues from exhaust gas cleaning systems;
- Without prejudice to criminal penalties as laid down by Directive 2024/1203 (→[eucri](#)m 1/2024, 32-33), administrative penalties for the breach of defined acts of ship-source pollution are strengthened: they must take at least the form of fines imposed on the company of the ship held liable;
- National authorities are enabled to impose administrative sanctions to ship-source pollution incidents in all European seas in a dissuasive and consistent manner;
- The Directive lists the relevant circumstances of the infringement which the competent authorities must take into account when determining and applying the type and level of administrative penalty for a company or other legal or natural person found liable, such as:
 - the nature, gravity and the duration of the discharge;
 - the degree of culpability or fault of the responsible person;
 - the damage caused by the discharge to the environment or human health;
 - the financial capacity of the company or other legal or natural person liable;
 - the economic benefits generated;
 - the measures taken by the company or other legal or natural person liable in order to prevent the discharge or mitigate its impact;
 - the level of cooperation of the company with the competent authority;
 - any previous ship-source pollution infringement by the company or other legal or natural person liable.
- New rules on enforcement measures with respect to ships within a port of a Member State.

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The Directive also includes provisions on the exchange of information and experience between the Member States and the Commission, with the assistance of the European Maritime Safety Agency (EMSA). In addition, the Commission is obliged to establish an electronic reporting tool, for the purposes of collection and exchange of information between Member States and the Commission on the implementation of the enforcement system provided for by the Directive.

Lastly, the Commission will, with the assistance of EMSA and in cooperation with Member States, facilitate the development of Member States' capabilities by providing, as appropriate, training to the authorities responsible for the detection and verification of infringements under the scope of this Directive and the enforcement of penalties or any other measures arising from such infringements.

Directive 2024/3101 entered into force on 5 January 2025 and Member States must transpose it by 6 July 2027.

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