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**MEDITERRANEAN ACTION PLAN (MAP)  
REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE  
MEDITERRANEAN SEA (REMPEC)**

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Sixth Meeting of the Mediterranean Network of Law  
Enforcement Officials relating to MARPOL within the  
framework of the Barcelona Convention (MENELAS)

REMPEC/WG.59/2  
4 November 2024  
Original: English

Lija, Malta, 4-5 December 2024

**Agenda Item 2: Draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention**

**Report of the Working Group within MENELAS**

For environmental and cost-saving reasons, this document will not be printed and is made available in electronic format only. Delegates are encouraged to consult the document in its electronic format and limit printing.

### **Note by the Secretariat**

This document contains the report on the work of the Working Group within MENELAS over the period June-October 2024, including a review of existing applicable sanctions at national level with regard to illicit ship pollution discharges over the period 2020-2023, as well as a consolidated draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention, in the Appendix thereto.

## **Introduction**

1 The Fifth Meeting of the Mediterranean Network of Law Enforcement Officials relating to the International Convention for the Prevention of Pollution from Ships (MARPOL) within the framework of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (the “Barcelona Convention”) (MENELAS) (Floriana, Malta, 22-23 February 2023), hereinafter referred to as “the meeting”, agreed to include, *inter alia*, the following items in the MENELAS Programme of Activities for the period 2024-2025:

- .1 the further examination of the draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention (hereinafter referred to as the “draft decision”); and
- .2 the further development of modalities of possible creation and operation of a regional “Blue Fund”, including in terms of governance and financing.

2 The meeting also requested the Secretariat (REMPEC) to carry out a review of existing applicable sanctions at national level with regard to illicit ship pollution discharges with a view to taking this into account in the further work.

3 The meeting agreed on the re-establishment of the Working Group within MENELAS to oversee, through correspondence coordinated by the Secretariat, the completion of the work referred to in paragraphs 1.1 and 1.2 above.

4 The meeting encouraged the members of the Working Group within MENELAS to coordinate their comments and feedback with their respective REMPEC Prevention Focal Points and REMPEC Governmental Focal Points, as well as other relevant authorities/stakeholders, as appropriate.

5 The meeting invited the Secretariat to initiate the intersessional work to be conducted by the Working Group within MENELAS as soon as possible and to present the results of this work at the present meeting.

## **Participants**

6 The following Contracting Parties to the Barcelona Convention that were participating members of MENELAS, participated in the Working Group within MENELAS:

BOSNIA AND HERZEGOVINA	MALTA
CROATIA	MONACO
CYPRUS	MONTENEGRO
EGYPT	MOROCCO
EUROPEAN UNION	SLOVENIA
FRANCE	SPAIN
GREECE	SYRIAN ARAB REPUBLIC
ISRAEL	TUNISIA
LIBYA	TÜRKIYE

### **Working arrangements and method of work**

7 The Working Group within MENELAS undertook its work by correspondence coordinated by the Secretariat. The working language was English only.

8 The mailing list of the Working Group within MENELAS was the same as that for the MENELAS Designated Representatives (DRs), keeping REMPEC Governmental Focal Points and REMPEC Prevention Focal Points in copy of all correspondence. In view of the importance that all MENELAS DRs actively participated and contributed to the work of the Working Group within MENELAS, the Secretariat urged those Contracting Parties to the Barcelona Convention that had not yet nominated their MENELAS DRs to do so, through their REMPEC Prevention Focal Points, jointly and in consultation with their REMPEC Governmental Focal Points.

9 The working arrangements related to working, drafting, correspondence, intersessional working and other groups, laid down in the organisation and method of work of the International Maritime Organization (IMO)'s Maritime Safety Committee and the IMO's Marine Environment Protection Committee and their subsidiary bodies, as set out in the annex to Circular MSC-MEPC.1/Circ.5/Rev.5, applied to the Working Group within MENELAS.

10 The Working Group within MENELAS undertook two main phases of work, with Phase 1 split into two: Phase 1a and Phase 1b. For each phase, the Secretariat issued guidance on the tasks to be undertaken, as set out above, and circulated documents to be commented upon and questionnaires to be completed, with a view to facilitating its work. The final phase was the preparation and dissemination of the present document.

### **Phase 1a – Review of existing applicable sanctions at national level with regard to illicit ship pollution discharges over the period 2020-2023**

11 Phase 1a of the work of the Working Group within MENELAS sought to collect information on existing applicable sanctions at national level with regard to illicit ship pollution discharges over the period 2020-2023, by completing a questionnaire prepared by the Secretariat. It was launched on 15 July 2024 until 2 August 2024 and was extended until 16 August 2024 with a view to ensuring regional dimension. The Secretariat accepted late contributions until 3 October 2024.

12 Completed questionnaires, together with comments, were received from eleven (11) Contracting Parties to the Barcelona Convention that were participating members of MENELAS.

13 The questionnaire covered the following elements:

- .1 Type of violation;
- .2 Year (over the period 2020-2023);
- .3 Information on the sanction finally imposed<sup>1</sup>; and
- .4 Remarks.

14 Four (4) Contracting Parties to the Barcelona Convention reported that no sanctions were finally imposed over the period 2020-2023.

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<sup>1</sup> A sanction should be regarded as finally imposed and therefore reported, when the time limit for any appeal against its imposition has expired (any possibility of an appeal out of time requiring special permission can be disregarded).

15 Five (5) Contracting Parties to the Barcelona Convention reported that sanctions were finally imposed (fine by administrative procedure, or environmental compensation and criminal fine) over the period 2020-2023 in relation to illegal discharge of oil (Regulations 15 and 34 of MARPOL Annex I), illegal discharge of residues of noxious liquid substances (Regulation 13 of MARPOL Annex II), illegal discharge of sewage (Regulation 11 of MARPOL Annex IV), illegal disposal of garbage (Regulations 3 and 6 of MARPOL Annex V), as well as illegal air emission or shipboard incineration (Regulations 12, 13, 14, 15, and 16 of MARPOL Annex VI).

16 Another Contracting Party to the Barcelona Convention did not report sanctions finally imposed according to the type of violation but reported the total number of cases and corresponding total amount of fines for each year over the period 2020-2023.

17 From the data reported, the minimum and maximum levels of the average administrative fines over the period 2020-2023, may be summarised, as follows:

Type of violation	Average administrative fine			
	Minimum		Maximum	
	SDR <sup>2</sup>	EUR <sup>3</sup>	SDR	EUR
Illegal discharge of oil (Regulations 15 and 34 of MARPOL Annex I)	3,050.64	3,707.50	8,388.13	10,194.25
Illegal discharge of residues of noxious liquid substances (Regulation 13 of MARPOL Annex II)	N/A	N/A	N/A	N/A
Illegal discharge of sewage (Regulation 11 of MARPOL Annex IV)	452.56	550	1,143.73	1,390
Illegal disposal of garbage (Regulations 3 and 6 of MARPOL Annex V)	1,439.95	1,750	1,439.95	1,750
Illegal air emission or shipboard incineration (Regulations 12, 13, 14, 15, and 16 of MARPOL Annex VI)	2,476.26	3,009.45	15,776.78	19,173.82

18 The Contracting Parties to the Barcelona Convention that were participating members of MENELAS having provided information to the Secretariat provided additional remarks and referred *inter alia* to:

- .1 the European Union (EU) Ship-Source Pollution Directive<sup>4</sup>;
- .2 Part 2 of the European Commission Staff Working Document on the evaluation accompanying the document entitled “*Proposal for a Directive of the European Parliament and the Council amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences*”<sup>5</sup>, where there is a table providing information on the different levels of administrative and criminal penalties applied in the EU Member States (see figure 6 page 16);
- .3 the on-going work on the provision of information on penalties to the European Commission through an electronic reporting tool to be developed following the adoption of the new EU Ship-Source Pollution Directive;

<sup>2</sup> ‘SDR’ (Special Drawing Rights) means the unit of account as defined by the International Monetary Fund (IMF). IMF exchange rates (SDRs per Currency unit and Currency units per SDR of the last five days) may be retrieved from [here](#). All calculations were made based on the SDRs per Currency unit as of 24 October 2024.

<sup>3</sup> the monetary unit of measurement used under the Barcelona Convention.

<sup>4</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences, as amended.

<sup>5</sup> [https://eur-lex.europa.eu/resource.html?uri=cellar:a1a52ae6-69b4-11ee-9220-01aa75ed71a1.0001.02/DOC\\_2&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:a1a52ae6-69b4-11ee-9220-01aa75ed71a1.0001.02/DOC_2&format=PDF)

- .4 their national legislations regulating illicit ship pollution discharges, including the sanctions related thereto;
- .5 the challenges they faced in terms of limited capacities as well as cooperation and coordination between different parts of the administration, and incorporation of international legislation, notably MARPOL, into national legislation; and
- .6 the need for support from REMPEC, and relevant regional stakeholders, towards accelerating the process of developing relevant implementing regulations.

**Phase 1b – Consolidated draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention**

19 Phase 1b of the work of the Working Group within MENELAS sought to further examine the draft decision, as set out in the Appendix to document REMPEC/WG.53/3<sup>6</sup>, by providing feedback and comments on the said decision. It was launched concurrently with Phase 1a on 15 July 2024 until 2 August 2024 and was extended until 16 August 2024 with a view to ensuring regional dimension. The Secretariat accepted late contributions until 3 October 2024.

20 Feedback and comments were received from four (4) Contracting Parties to the Barcelona Convention that were participating members of MENELAS.

21 One Contracting Party to the Barcelona Convention explained that the relevant authorities were considering the criteria for imposing penalties for each violation stipulated in the annexes to MARPOL in order to reduce pollution caused by ships in its ports. It also indicated that, regarding the unification of compensation for Mediterranean countries, it was preferred to study and determine the environmental compensation for each country separately, as the environmental sensitivity factor for environmental compensation differed in terms of the location of each country. Moreover, it suggested that, as for fines, the Secretariat (REMPEC) should submit a proposal on how to unify fines, the minimum and maximum value, and the return on countries, including the technical aspect of that to be able as a country to take decision on that matter.

22 One Contracting Party to the Barcelona Convention indicated that it had no comments on the draft decision since the criteria included were practicable and reasonable.

23 Another Contracting Party to the Barcelona Convention indicated that, in the draft decision, there were articles regarding fines being imposed based on the amount of waste discharged into the sea and the environmental damage caused. It stressed that there was a need for guidance documents and further studies on how to determine how much waste (for all MARPOL annexes) the ship discharged into the sea and also to assess the amount of environmental damage caused by the illegal discharge.

24 Another Contracting Party to the Barcelona Convention referred to the work on the effective determination and application of penalties including on types of polluting substances and sensitive areas of concern it was undertaking within the framework of the EU Ship-Source Pollution Directive, and made specific proposals to adjust the draft decision, as follows:

- .1 to move the contents of paragraphs I 1) f) and g) on the violations of MARPOL regarding the obligations to keep the Oil Record Book, the Cargo Record Book, and the Garbage Record Book properly filled-in, as well as the violations of MARPOL regarding missing or wrong entries and/or lack of signature in the Oil Record Book, the Cargo Record Book, and the Garbage Record Book, to the relevant paragraphs these violations to specific Annexes to MARPOL pertained to;

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<sup>6</sup> <https://www.rempec.org/en/knowledge-centre/online-catalogue/e-menelas-2023-wg-53-3-criteria-for-a-common-minimum-level-of-fines.pdf>.

- .2 to include discharges against MARPOL Annex III in the list of acts that are violations of MARPOL in a new paragraph I 1) c) since, although packaged goods were not categorised as waste, it could not be ruled out that harmful substances carried in packaged form could be illegally jettisoned into the sea;
- .3 to include a reference to “water pollution” in the newly renumbered paragraph I 1) f) on violations to MARPOL Annex VI;
- .4 to clarify the wording in paragraph I 3) in relation to the financial capacity of the legal or natural person liable that should be considered when determining the level of the fine imposed;
- .5 to replace the reference to “Special Drawing Right (SDR)” in paragraph I 6) and all such references throughout the draft decision by a reference to “Unit of account” meaning the monetary unit of measurement used under the Barcelona Convention;
- .6 to delete the reference to the high sea and the territorial waters of the Contracting Parties to the Barcelona Convention in paragraph I 7) since it seemed restrictive with regard to the scope of obligations included under MARPOL;
- .7 to delete the reference to the application of the sewage discharge provisions in relation to foreign ships in paragraph I 8) since it did not stem from MARPOL or the Barcelona Convention texts;
- .8 to add a new section II entitled “General criteria”, which provides for criteria common for all violations of MARPOL listed in paragraph I 1), whilst adjusting paragraph I 9) and deleting paragraph I 10) accordingly;
- .9 to clarify that the period of “one week” referred to in paragraphs III 1) b), III 2) b), and newly renumbered III 5) b), should read “more than one week”;
- .10 to delete the reference to “bilge water” from paragraph III 1) b) ii) since this covered more than bilge water;
- .11 to delete the term “consumption” from paragraph III 2) b) i) since it was not clear what consumption meant in this context;
- .12 to add a new paragraph III 3) on MARPOL Annex III, defining illegal jettisoning of harmful packages in packaged form (Regulation 8) as a violation thereof and proposing the corresponding criteria;
- .13 to add criteria in the newly renumbered paragraph III 4) on MARPOL Annex IV to the list of criteria related to illegal discharge of sewage (Regulation 11);
- .14 to add criteria in the newly renumbered paragraph III 5) a) on MARPOL Annex V to the list of criteria related to illegal discharge of garbage (Regulations 3 and 6);
- .15 to include a reference to the type of garbage in the newly renumbered paragraphs III 5) b) i) and 5) b) ii) for the criteria related to the violation of the duty to keep the Garbage Record Book properly (Regulation 10, paragraph 3); and
- .16 to add a new paragraph III 6) c) on MARPOL Annex VI, defining illegal discharges of Exhaust Gas Cleaning System (EGCS) residue (Regulations 4 and 14) as a violation of MARPOL Annex VI and proposing the corresponding criterion.

25 Based on the above, notably the specific proposals referred to in the above paragraph, a consolidated draft decision, including minor editorial adjustments, was prepared by the Secretariat, as shown in track changes and set out in the **Appendix** to the present document.

26 The need for further studies or guidance documents to facilitate the implementation of the draft decision, as mentioned in the above paragraphs, will have to be further considered accordingly.

### **Phase 2 – Possible creation and operation of a regional “Blue Fund”, including in terms of governance and financing**

27 Phase 2 of the work of the Working Group within MENELAS sought to contribute to the preparation of the draft Legal Analysis to Assess the Implications of the Possible Creation and Operation of a Regional “Blue Fund”, including in Terms of Governance and Financing, in the Mediterranean Region, by completing a questionnaire prepared by the Secretariat. It was launched on 10 September 2024 until 20 September 2024 and was extended until 30 September 2024 with a view to ensuring regional dimension. The Secretariat accepted late contributions until 3 October 2024.

28 Completed questionnaires, together with comments, were received from eight (8) Contracting Parties to the Barcelona Convention that were participating members of MENELAS.

### **Next steps**

29 The Working Group within MENELAS agreed to invite the present meeting to:

- .1 endorse the Report of the Working Group within MENELAS, as set out in the present document;
- .2 note the review of existing applicable sanctions at national level with regard to illicit ship pollution discharges over the period 2020-2023, as set out in paragraphs 11 to 18 above;
- .3 examine the consolidated draft decision, as set out in the **Appendix** to the present document, notably the specific proposals referred to in paragraph 24 above, and discuss at what level(s) the minimum fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention, should be set;
- .4 consider the need for further studies or guidance documents to facilitate the implementation of the draft decision, as mentioned in paragraph 26 above; and
- .5 make recommendations to the Sixteenth Meeting of the Focal Points of REMPEC to be tentatively held on 13-15 May 2025, as appropriate.

### **Actions requested by the Meeting**

30 **The Meeting is invited to:**

- .1 **take note** of the information provided in the present document; and
- .2 **comment** as deemed appropriate.



**Appendix**

**Consolidated draft decision to apply criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention**



**Decision [XX]**

**Criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention**

*The Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols at their [XX] Meeting,*

*Having regard* to the Barcelona Convention, in particular Article 6 thereof, whereby Contracting Parties shall take all measures in conformity with international law to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area caused by discharges from ships and to ensure the effective implementation in that Area of the rules which are generally recognised at the international level relating to the control of this type of pollution,

*Having also regard* to the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, in particular Article 4 paragraph 2 thereof, whereby the Parties shall take measures in conformity with international law to prevent the pollution of the Mediterranean Sea Area from ships in order to ensure the effective implementation in that Area of the relevant international conventions in their capacity as flag State, port State and coastal State, and their applicable legislation,

*Having further regard* to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997 (MARPOL), in particular Annex I thereof on regulations for the prevention of pollution by oil, Annex II thereof on regulations for the control of pollution by noxious liquid substances in bulk, Annex IV thereof on prevention of pollution by sewage from ships, Annex V thereof on the prevention of pollution by garbage from ships, and Annex VI thereof on the prevention of air pollution from ships, as amended, notably regulation 14 thereof on sulphur oxides (SO<sub>x</sub>) and particulate matter, as well as Appendix VII thereto on emission control areas (ECAs),

*Recalling* that the Mediterranean Sea is defined as a “special area” under MARPOL Annex I and MARPOL Annex V,

*Recalling* also the designation of the Mediterranean Sea Emission Control Area for Sulphur Oxides and Particulate Matter (Med SO<sub>x</sub> ECA) under MARPOL Annex VI,

**[placeholder for further preambular paragraphs]**

1. *Adopt* the criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention, set out in the Annex to this Decision; and
2. *Request* the Contracting Parties to take the necessary measures to apply the criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention.

### Annex

## Criteria for a common minimum level of fines for each offense provided for under the Annexes to MARPOL, within the framework of the Barcelona Convention

### I INTRODUCTION

- 1) The following acts are violations of MARPOL:
  - a) Discharges against MARPOL Annex I and violations of the obligations to keep the Oil Record Book, including missing or wrong entries and/or lack of signature therein;
  - b) Discharges against MARPOL Annex II and violations of the obligations to keep the Cargo Record Book, including missing or wrong entries and/or lack of signature therein;
  - ~~b)c)~~ Discharges against MARPOL Annex III;
  - ~~c)d)~~ Discharges against MARPOL Annex IV;
  - ~~d)e)~~ Discharges against MARPOL Annex V and violations of the obligations to keep the Oil Record Book, including missing or wrong entries and/or lack of signature therein; and
  - ~~e)f)~~ Air emissions, or shipboard incineration or water pollution against MARPOL Annex VI.
  - ~~f)~~ Violations of MARPOL regarding the obligations to keep the Oil Record Book, the Cargo Record Book, and the Garbage Record Book properly filled in
  - ~~g)~~ Violations of MARPOL regarding missing or wrong entries and/or lack of signature in the Oil Record Book, the Cargo Record Book, and the Garbage Record Book.
- 2) Only those offences against the regulations of MARPOL which are subject to administrative fines are addressed in the harmonised system of fines.
- 3) The Contracting Parties should - as far as possible within the framework of their legal systems - aim at adopting legislation which allows fines to be imposed on a legal person (shipowner/operator of a ship). The financial capacity of the Fines imposed on a legal or natural person liable should be considered when determining the level of the fine substantially higher than those imposed on a natural person.
- 4) There should be no difference in the level of fines imposed on nationals of the Contracting Parties and foreigners.
- 5) Repeat offenders should be imposed a higher fine compared to the previous cases.
- 6) “Unit of account Special drawing right” (SDR) means the monetary unit of measurement used under the Barcelona Convention account as defined by the International Monetary Fund (IMF).
- 7) Violations of the duty to keep the Oil Record Book, the Cargo Record Book, and the Garbage Record Book properly are regarded as continuing offences. The offence begins when no proper entry is made on the high sea and it ends in the territorial waters of the Contracting Parties (since persons held liable are capable of recording operations subsequently in the Oil Record Book, the Cargo Record Book, and the Garbage Record Book on the basis of notes and documents kept on board).
- 8) Having regard to the established Exclusive Economic Zones of the Contracting Parties and the national jurisdiction related thereto, the criteria are applicable to all ships violating regulations of MARPOL (except for sewage discharge provisions which in relation to foreign ships can be applied only in internal waters and territorial seas of the Contracting Parties).

## II GENERAL CRITERIA

~~The following~~ A general criterion are common for ~~with respect to the~~ all ~~violations of MARPOL listed in paragraph I 1)~~ is whether they were committed above:

- 1) The degree of culpability or fault of the responsible person, within the meaning of the legal system of the Contracting Party concerned. These circumstances refer to notions of liability (e.g. intentionally, recklessness or negligently, etc.) where these are used to qualify the degree of illegal behaviour. A higher fine should be imposed on intentional violations than on negligent violations. In this context, if MARPOL discharge regulations were violated by night, this fact may be interpreted as pointing to an intentional violation.
- 2) A previous violation by the same natural or legal person.
- 3) The damage caused by an illegal discharge to the environment or human health, including, where relevant, its impact on fishing, tourism and coastal communities. Migratory patterns in the affected area should also be considered.
- 4) Level of cooperation with authorities in investigating the offence, either circumventing or obstructing the investigation, or assisting the authorities in said investigation.
- 5) Any economic benefits generated or expected to be generated from the offence.
- 10) ~~With respect to all violations of MARPOL, lower fines than those indicated in Section II may be imposed in individual cases, particularly for less severe violations.~~

### **III SPECIFIC CRITERIA AND MINIMUM LEVEL OF FINES**

In those cases where, under national legislation, offences against MARPOL may be subject to administrative fines, the fines to be imposed should be based on the following criteria:

#### *1) MARPOL Annex I*

- a) Illegal discharge of oil (Regulations 15 and 34)

Criteria:

- Quantity of illegally discharged oil
- Environmental damage caused by the discharge

**Minimum fine: [XX] units of accountSDR**

- b) Violation of the duty to keep the Oil Record Book properly (Regulation 17, paragraphs 4-6, and Regulation 36, paragraphs 5-7)

The minimum fine indicated refers to cases in which a quantity of 1 tonne was not recorded in the Oil Record Book, or entries are missing for a period of more than one week.

- i) No Oil Record Book kept on board

Criteria:

- Period of time during which no Oil Record Book was kept on board (level of fine should be based on the duration of time in which no Oil Record Book was kept)
- Quantity of sludge not accounted for, based on consumption calculations

**Minimum fine: [XX] units of accountSDR**

- ii) Oil Record Book is kept on board, but entries are missing or wrong, and/or lacking signature

Criteria:

- Quantity of sludge for which entries are missing or wrong (the level of fine should increase at least with each tonne of sludge for which no entries, or wrong entries, were made)
- ~~In case of bilge water, d~~Duration of time during which no entries, or wrong entries, were made (amount of fine should be based on the length of the period during which the Oil Record Book was not kept properly).

**Minimum fine: [XX] units of accountSDR**

#### *2) MARPOL Annex II*

- a) Illegal discharge of noxious liquid substances (Regulation 13)

Criteria:

- Quantity of substance discharged illegally (the level of fine should increase at least with each tonne of illegally discharged substance)
- Category of substance (X, Y or Z)
- Environmental damage caused by the discharge

**Minimum fine: [XX] units of accountSDR**

- b) Violation of the duty to keep the Cargo Record Book properly (Regulation 15)  
The minimum fine indicated refers to cases in which a quantity of 1 tonne was not recorded in the Cargo Record Book, or entries are missing for a period of more than one week.
- i) No Cargo Record Book kept on board  
Criteria:
- Period of time during which no Cargo Record Book was kept on board (level of fine should be based on the duration of time in which no Cargo Record Book was kept)
  - Quantity of cargo not accounted for, based on consumption calculations
- Minimum fine: [XX] units of accountSDR**
- ii) Cargo Record Book is kept on board, but entries are missing or wrong, and/or lacking signature  
Criteria:
- Duration of time during which no entries, or wrong entries, were made (the level of fine should be calculated on the basis of the length of the period in which the Cargo Record Book was not properly kept)
  - Quantity and category of substance (X, Y or Z) for which entries are missing or wrong
- Minimum fine: [XX] units of accountSDR**

### 3) MARPOL Annex III

#### Illegal jettisoning of harmful packages in packaged form (Regulation 8)

##### Criteria:

- Quantity of harmful substances contained in packages
- Lack of proper stowage, packaging, labelling of packages containing harmful substances

**Minimum fine: [XX] units of account**

### 34) MARPOL Annex IV

#### Illegal discharge of sewage (Regulation 11)

##### Criteria:

- Quantity of sewage discharged
- Duration of illegal discharge
- Distance from nearest land
- Whether discharge has been instantaneous or at a moderate rate
- Speed of the ship
- Visibility of effluents and/or solids and/or discoloration of the surrounding water
- Lack of approved sewage treatment plant

**Minimum fine: [XX] units of accountSDR**

**45) MARPOL Annex V**

- a) Illegal discharge of garbage (Regulations
- 3 and 65
- )

Criteria:

- Quantity of substance discharged (the level of fine should increase at least with each tonne of illegally discharged substance)
- Type of substance (plastics, wood, food wastes, etc.)
- Distance from nearest land
- Lack of treatment of garbage through a comminuter or grinder
- Feasibility/practicability of visiting a near port reception facility without significant deviation from the established route
- Degree of harmful nature of the discharge to the marine environment:
  - cleaning agents including carcinogenic components
  - vulnerability of habitat and protected species to interactions with lost fishing gear
- Lack of garbage management plan

**Minimum fine: [XX] units of accountSDR**

- b) Violation of the duty to keep the Garbage Record Book properly (Regulation
- 109
- , paragraph 3)

The minimum fine indicated refers to cases in which a quantity of 1 tonne was not recorded in the Garbage Record Book or entries are missing for a period of more than one week.

- i) No Garbage Record Book kept on board

Criteria:

- Period of time during which no Garbage Record Book was kept on board (level of fine should be based on the duration of time in which no Garbage Record Book was kept)
- Quantity and type of garbage not accounted for, based on consumption calculations

**Minimum fine: [XX] units of accountSDR**

- ii) Garbage Record Book is kept on board, but entries are missing or wrong and/or lack of signature

Criteria:

- Quantity and type of garbage for which entries are missing or wrong (the level of fine should increase at least with each tonne of garbage for which no entries, or wrong entries, were made)
- Duration of time during which no entries, or wrong entries, were made (the level of fine should be calculated on the basis of the length of the period in which the Garbage Record Book was not properly kept)

**Minimum fine: [XX] units of accountSDR****56) MARPOL Annex VI**

- a) Illegal emission of ozone-depleting substances (ODS), nitrogen oxides (NO
- <sub>x</sub>
- ), sulphur oxides (SO
- <sub>x</sub>
- ) and particular matter, and volatile organic compounds (VOC) (Regulations 12, 13,
- 14
- and
- 154
- )

Criteria:

- Duration of emission
- Type of emitted substances

**Minimum fine: [XX] units of accountSDR**



b) Illegal incineration of ship-generated wastes on board a ship (Regulation 16)

Criteria:

- Duration of incineration
- Type of incinerated substances

**Minimum fine: [XX] units of accountSDR**

c) Illegal discharge of Exhaust Gas Cleaning System (EGCS) residue (Regulations 4 and 14)

Criterion:

- Lack of operation of an equivalent method of compliance provided under Regulation 4 ('EGCS' or 'scrubbers')

**Minimum fine: [XX] units of account**