



# *Ship-Source Pollution Directive Amendment of Directive 2005/35/EC -update*

**MENELAS Meeting  
4-5 December 2024**

*Presentation by Georgia KITSAKI*  
European Commission, DG MOVE.D2

# Ship-source Pollution Directive

## 2024 revision: Key changes

<https://data.consilium.europa.eu/doc/document/PE-83-2024-INIT/en/pdf>

# Scope of the Directive

# Illegal discharges under the revised SSPD

- **Geographical coverage:** internal waters, territorial sea, EEZ and high seas
- **Ships:** irrespective of its flag, except warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.
- **Polluting substances:**
  - Before 2024 revision: Annex I and II to MARPOL
  - After 2024 revision: MARPOL Annex I, II, **III, IV, V** and **VI EGCS residues** discharges into the water
- **Targeted actors:** any company, or other legal or natural person. ‘Company’ defined as per the International Management Code for the Safe Operation of Ships and for Pollution Prevention (‘ISM Code’).

# Administrative penalties

# Article 8(1, 2): Administrative penalties

- **Without prejudice** to the obligations under Directive (EU) 2024/1203 of the European Parliament and of the Council ('Environmental Crime Directive')
- EU Member States shall lay down a system of **administrative penalties** and shall ensure that they are applied.
- The administrative penalties provided for shall be **effective, proportionate and dissuasive**.
- Administrative penalties shall include **fin**es which are **imposed on the company** held liable for the infringement.

# Criteria for the effective application of penalties

- In order to ensure that penalties are effective, proportionate and dissuasive, the **determination and application** of the **type and level** of penalty shall take into account **all relevant circumstances** of the infringement, in particular:
  - the nature, gravity and the duration of the discharge;
  - degree of culpability or fault of the responsible person;
  - damage caused by the discharge to the environment or human health, including, its impact on fishing, tourism and coastal communities;
  - financial capacity of the company or other legal or natural person liable;
  - economic benefits generated or expected to be generated for the liable person;
  - measures taken by the liable person in order to prevent the discharge or mitigate its impact;
  - the level of cooperation of the liable person with the competent authority or any circumvention with or obstruction of the investigation/inspection; and
  - any previous ship-source pollution infringement by the liable person (Article 8d(1))

# Determination of the level of penalties

- Member States shall not set or apply administrative penalties for infringements under this Directive **at a level that is too low** to ensure the effectiveness, proportionality and dissuasive nature of those penalties. (Article 8d(2))



# 2023 Evaluation of SSPD

Member State	Approach towards infringement	Administrative penalties	
		Minimum	Maximum
Croatia	Both administrative and criminal approaches in use	€ 660	€ 40,000
Cyprus	Administrative prevail. No criminal case applied in the last 10 years	Not specified	€ 85,430
France	Both options are used but administrative prevail and only a small number of cases result in criminal procedures	€ -	€ -
Greece	Administrative or criminal fines and imprisonment. Both procedures are in use	€ -	€ 2,000,000
Italy	Both administrative and criminal approaches in use	€ 10,000	€ 1,239,300
Malta	Administrative and/or criminal charges possible, but mostly administrative charges applied	€ 12,000	€ 100,000
Slovenia	Administrative and/or criminal charges against both natural and/or legal persons liable	€ 417	€ 750,000
Spain	Both administrative and criminal approaches in use.	€ -	€ 5,400,000

([SWD\(2023\) 159 final/2](#)) Figure 6 page 16

# Exchange of experiences - penalties

- The Commission shall provide for the organisation of exchange of experiences and best practices between Member States' **national competent authorities** on how to ensure an **effective determination and application of penalties**. On the basis of that exchange of information, the Commission may propose **guidelines**, including on types of polluting substances and sensitive areas of concern.

# Exchange of experiences – application of SSPD

- 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 establishing **common practices and guidelines on the enforcement** of this Directive.

# Next steps for the revised SSPD

# Next steps for the SSPD

- EU Member States adopt national laws transposing the Directive **within 30 months** after its entry into force
- Organisation for exchange of experiences and best practices between EU national competent authorities on **effective determination and application of penalties.**
- **Guidelines** based on our work together, e.g. to further detail the criteria for penalties, e.g. on different types of polluting substances or sensitive areas (Art. 10(4))
- Implementing act on the **procedure for reporting information** under the electronic reporting tool set out in Art. 10a ([\*presentation to follow\*](#))
- Make **publicly available information** relating to enforcement against illegal discharges ([\*presentation to follow\*](#))

# Environmental Crime Directive

2024 revision: Key changes for pollution  
from ships

# Criminal sanctions in the new Environmental Crime Directive



- Effective, dissuasive and proportionate sanctions for natural and legal persons (**non-criminal sanctions** possible for legal persons):
  1. Minimum maximum levels of imprisonment for natural persons (gradual approach – 3/5 years depending on the offence and 10 years when death is caused; 8 years for qualified offences)
  2. **Minimum maximum level** of fines for legal persons based on legal person's **annual worldwide turnover** (5% or 3% depending on the offence category) or **on fixed amounts** (40 millions or 24 millions)

[Directive - EU - 2024/1203 - EN - EUR-Lex](#)

# Thank you

© European Union 2023

Georgia KITSAKI  
Policy Officer  
[Georgia.KITSAKI@ec.europa.eu](mailto:Georgia.KITSAKI@ec.europa.eu)

