



European Maritime Safety Agency

## **Workshop Report**

**Workshop on the implementation  
of Directive 2005/35 on sanctions  
for ship-source pollution, Lisbon  
22-23 March 2007**

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## Workshop on the implementation of Directive 2005/35 on sanctions for ship-source pollution

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### Background

Directive 2005/35 on sanctions for ship source pollution and on the introduction of penalties for infringements came into force on the 1<sup>st</sup> of March 2007. Its aim is to set a framework for the EU Member States to treat ship-source discharges of polluting substances as infringements if committed with intent, recklessly or by serious negligence.

On the basis of Art. 10 of the Directive, the Agency is requested to provide the Member States and the European Commission with assistance in developing measures to ensure its proper implementation and enforcement. Therefore, the European Commission requested EMSA to prepare a Preliminary Discussion Paper on accompanying measure for the purposes of the Directive and to organise a workshop related to this subject.

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### Workshop Objectives

The workshop had the following objectives:

- To exchange the experiences of different Member States in the process of implementing Directive 2005/35
- To present the tools that can be used by the Member States for the effective implementation of the Directive.
- To discuss the Preliminary Discussion Paper on accompanying measures prepared by EMSA.

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### Workshop Programme

A short opening address was made by the representative of the European Commission. Then the chairman of the workshop opened it by presenting the Directive and the Preliminary Discussion Paper that EMSA prepared to stimulate discussion, exchange ideas and present the short-, medium- and long term initiatives for effective implementation of the Directive.

The workshop was divided into two parts. The first part was to present the experiences on national and regional levels. The second part was to present the tools that EMSA has available and that can potentially serve Member States towards implementation of Directive 2005/35.

In more detail, the first part comprised presentations from France and Denmark describing their processes for tracking pollution, identifying polluters and the procedures for imposing sanctions for pollution in both countries. These were followed by presentations on practices within the Regional Agreements: the

SuperCepco exercise under the Bonn Agreement and the SeaTrackWeb programme by HelCom.

The second part comprised presentations by EMSA officials on the current and future tools that are potentially "accompanying measures" for Directive purposes: the EMSA satellite oil spill monitoring exercise CleanSeaNet (which is also an instrument for implementing art. 10.2), the SafeSeaNet system, the STIRES module (the SafeSeaNet Tracking, Information, Relay and Exchange System) and SRIT (Short Range Identification and Tracking), on-board data storage devices and e-log books, port reception facilities, as well as techniques for sampling and analysis of oil.

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### Workshop Conclusions

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1. Several current and potential systems and tools were recognised as useful for the implementation of Directive 2005/35.
2. Satellite monitoring combined with aerial surveillance is of increasingly importance for detection of discharges. In that respect the EMSA service CleanSeaNet was welcomed.
3. Vessel traffic monitoring systems (AIS, radar etc.) enabling the electronic shore-based tracking of potential polluters and including applications for storage and replay of data are important basic elements for provision of proof when establishing the position of vessels when pollution occurs.
4. The importance of in-port inspections regarding cargo, fuel and waste delivery and effective use of port reception facilities should also be fully recognised. There must be sufficient availability of reception facilities in ports and acceptable fees for such services in order to facilitate discharge of ships' waste.
5. There is general agreement on the increasing value of computer modelling systems for forecasting and hindcasting of the location and movement of slicks although some harmonisation between systems may be required.
6. Further information can be obtained by combining satellite images with potential oil slicks and vessel routing information in near real time and with hindcasting possibilities. Vessel routing information outside territorial waters require inclusion of other sources like LRIT, satellite positioning in addition to existing AIS information.
7. Techniques for the sampling and analysis of oil are still being improved and perfected with the objective of being able to achieve the most accurate and closely matched results.
8. On board data storage devices however are not reliable tools as they have demonstrated that they can be easily bypassed. The future of e-log books is not yet clear either although it was noted that they are likely to offer a better prospect for the storage of pollution-related data than VDRs (due to the limited number of channels available), although further research and legislation is needed before such systems will be generally available and operational.

9. A collective effort by Member States, the European Commission and EMSA is required in order to further develop tools and to coordinate actions in order to effectively deal with illegal discharges for which one solution is not sufficient.
10. Member States expressed their interest in future training (particularly as regards mutual accepted observer standards for aerial surveillance) and in the circulation of best practices throughout the EU. For these reasons, further coordination and discussions are required.
11. It may be useful that further workshops on these issues be organised by EMSA. Different instruments are needed to address the issue of illegal discharges at sea. There is little coordination and overview of how the development of this set of instruments will contribute to an effective overall system to track pollution and polluters. Therefore, a stocktaking workshop from time to time with that perspective in mind can be very beneficial for this purpose.

Attachments:

- (1) Agenda of the workshop
- (2) List of participants

Presentations from the workshop are available at:  
<http://www.emsa.europa.eu/>