



REPLIES OF THE EUROPEAN COMMISSION

TO THE EUROPEAN COURT OF AUDITORS' SPECIAL REPORT

EU actions tackling sea pollution by ships

Not yet out of troubled waters

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This document presents the replies of the European Commission to observations of a Special Report of the European Court of Auditors, in line with Article 265 of the [Financial Regulation](#) and to be published together with the Special Report.

I. THE COMMISSION REPLIES IN BRIEF

The European Commission welcomes the European Court of Auditors' (ECA) special report on EU actions tackling sea water pollution by ships. The Commission acknowledges that after years of progress towards its ambitious pollution prevention targets for the marine environment through the [Marine Framework Strategy Directive](#), additional efforts and methods are required to tackle sea water pollution by ships.

The [European Green Deal](#) reaffirms the Commission's ambition to protect its population from environment-related risks and impacts, setting the pathway to a healthy planet for all. The Commission adopted several EU initiatives aimed at reducing pollution from maritime transport in its seas, in line with the [Sustainable and Smart Mobility Strategy](#) and [Zero Pollution Action Plan](#). Making maritime transport more sustainable is key to meet the targets and objectives of the European Green Deal, taking forward our climate targets, as well as biodiversity and zero pollution ambitions. The maritime sector makes efforts to reach these targets and much progress is being made.

The Commission will take this report into account in the upcoming EU policy initiatives and in the implementation of the existing ones. A [European Oceans Pact](#) will ensure coherence across all policy areas linked to the ocean. It will focus on supporting resilient and healthy ocean and coastal areas, promoting the blue economy, managing the use of our seas and ocean coherently, and developing a comprehensive agenda for marine knowledge, innovation and investment. A new [EU Port Strategy](#) and [Industrial Maritime Strategy](#) will respectively enhance the competitiveness, sustainability and resilience of Europe's maritime manufacturing sector and ports. The Commission will also secure that ambitious measures are agreed by the International Maritime Organization (IMO) e.g. on plastic pellets from lost containers, discharged waters and residues from exhaust gas cleaning systems or prewash procedures for chemical tankers. Also, it should be recalled that the sea is intrinsically linked with activities on land, and vice versa, an issue that will be looked at more closely in the [Water Resilience Strategy](#) which will include a source-to-sea approach. The Marine Framework Strategy Directive is ongoing a review and an evaluation report and impact assessment will soon be published.

II. COMMISSION REPLIES TO MAIN OBSERVATIONS OF ECA

1. EU rules addressing ship-source pollution

The Commission is fully committed to implementing modern rules on maritime safety and reducing water pollution from ships. Ensuring that EU maritime legislation is in line with IMO rules is key in this respect.¹

In November 2024, four new pieces of legislation of the so-called 'Maritime Safety package' were adopted to support clean, safer, and modern shipping in the EU. Those are amending the relevant directives on: (i) ship-source pollution, (ii) port state control, (iii) the investigation of accidents in the maritime transport sector and (iv) compliance with flag state requirements. The revised 'package' achieves a balance between, on the one hand, the need to ensure a high quality of shipping and, on

¹ See ECA observation 14.

the other hand, the need to safeguard the competitiveness of the European shipping sector, while also maintaining reasonable costs for operators and Member States' administrations. Overall, it will equip the EU with modern tools to support clean shipping by aligning EU rules with international standards while improving implementation and enforcement through an enhanced cooperation framework between European and national authorities.²

The [newly revised directive on ship-source pollution³ \(SSP\)](#) incorporates international standards into EU law, ensuring that those responsible for illegal discharges of polluting substances are subject to dissuasive, effective, and proportionate penalties to improve maritime safety and better protect the marine environment from pollution by ships. The revised law ensures clarity and coherence with international rules and procedures, particularly those of the international convention for the prevention of pollution from ships (MARPOL), in the interest of protection of the marine environment. The revised directive on SSP also extends the scope of the current directive to cover illegal discharges of harmful substances in packaged form, sewage, garbage and discharged waters and residues from exhaust gas cleaning systems. It also established a strengthened legal framework for administrative penalties and their effective application, enabling national authorities to ensure a dissuasive and consistent imposition of penalties for ship-source pollution incidents in all European seas.⁴

The [newly revised directive on port state control⁵ \(PSC\)](#) updates the requirements for inspecting ships in port. It incorporates the Nairobi International Convention on the Removal of Wrecks into EU law. This Convention provides the legal basis for signatory states to remove, or have removed, shipwrecks that may have the potential to affect adversely the safety of lives, goods, and property at sea, as well as the marine environment. Its enforcement through the system of port state control means that vessels calling to EU ports will have to demonstrate substantial compliance with this convention or risk more detailed inspections, thereby providing an incentive for more states to ratify it.

The [newly revised directive on investigation of accidents in the maritime sector⁶](#) enhances the capacity of accident investigation bodies to conduct and report on accident investigations in a timely, expert, and independent manner. The revised directive also updates several definitions and references to relevant EU legislation and IMO regulations, to enable accident investigation bodies to conduct accident investigations in a harmonised way throughout the EU. Concerning containers lost at sea, the revised directive provides that Member States must record them in the European Marine Casualty Information Platform, if they are located in their waters or if they stem from ships flying their flag. Additionally, the directive establishing a vessel traffic monitoring and information system⁷ requires Member States to ensure that the master of a ship which lost some containers immediately reports the lost containers to the relevant coastal state, meaning that monitoring of lost containers is covered at EU level.⁸

² See ECA observations 18 to 21.

³ 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 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202403101

⁴ See ECA observations 28, 63, 64.

⁵ Directive (EU) 2024/3009 of the European Parliament and of the Council of 27 November 2024 amending Directive 2009/16/EC on port State control <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L3099>

⁶ Directive (EU) 2024/3017 of the European Parliament and of the Council of 27 November 2024 amending Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and repealing Commission Regulation (EU) No 1286/2011 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202403017

⁷ 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 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32002L0059>

⁸ See ECA observations 29 to 31.

The revised EU Maritime Security Strategy⁹ (EUMSS), approved through Council Conclusions in October 2023, provides a comprehensive approach to addressing maritime security threats. The strategy comprises, among others, various actions to tackle unexploded ordnance (UXO). In complement, between 2016 and 2022, the European Commission invested over €7 million in dedicated UXO related projects. The results of these projects enhanced UXO detection, neutralisation techniques and expanded our knowledge of UXO threats in the marine environment.¹⁰

At the 'Our Baltic 2.0' conference organised by the Commission in Palanga, in September 2023, ministers from Baltic Sea Member States made several commitments: (i) strengthening cooperation with regional organisations (the Baltic Marine Environment Protection Commission – HELCOM, the Council of the Baltic Sea States – CBSS) to tackle UXO in the Baltic Sea; (ii) filling knowledge and legal gaps and advancing technologies for UXO removal; (iii) prioritizing high-risk areas for UXO elimination; and (iv) exploring funding mechanisms to support these actions. In order to help Member States fulfil these commitments, the Commission initiated further projects. Four projects are already running, or about to receive funding by the European Maritime, Fisheries and Aquaculture Fund (EMFAF), the European Regional Development Fund (ERDF), or Horizon Europe. The most recent project (€5.6 million) is implemented by the Commission, upon request of the European Parliament to develop and test new technologies for UXO removal in the Baltic Sea. This project in particular is expected to play a key role in transitioning from the 'preparatory' or 'knowledge-gathering' phase to the cleanup phase.

In total, between 2016-2024, the EU has invested so far over €24 million in UXO-related projects.

2. Implementation and enforcement of EU rules addressing ship-source pollution

The Commission is dedicated to providing to the Member States tools to detect and tackle ship-source pollution. Firstly, to detect ship-source pollution, a satellite surveillance tool (CleanSeaNet service) is offered to the Member States. Secondly, to address suspected irregularities, a system of inspections is established within the framework of the newly revised PSC Directive and the Port Reception Facilities (PRF) Directive¹¹, both of which have dedicated tools hosted by the European Maritime Safety Agency (EMSA) to support enforcement (the targeting and reporting system for port state control – THETIS and THETIS EU).

The SSP Directive not only incorporates international standards but also offers to the Member States information on the detection of possible spills. CleanSeaNet service is EMSA's European satellite-based oil spill monitoring and vessel detection service. A dedicated group of Member States' experts meets regularly each year since 2007 and puts forward technical solutions for the technology and methodologies used by CleanSeaNet as well as their reliability and effectiveness. The group is involved in the preparation of the improvements planned in CleanSeaNet as a result of the newly amended SSP Directive.

There are also synergies between the satellite surveillance services used for the SSP Directive (CleanSeaNet) and the targeting and reporting system for port state control (THETIS). For example, through THETIS, Member State authorities have access to past port state control inspection findings for ships and can use this information to assess whether a ship is suspected of an illegal discharge.

⁹ European Union Maritime Security Strategy <https://www.consilium.europa.eu/media/67499/st14280-en23.pdf>

¹⁰ See ECA observation 37.

¹¹ 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 <https://eur-lex.europa.eu/eli/dir/2019/883/oj>

Member States can also use THETIS to request another Member States authority (e.g. next port of call) to inspect the suspect ship. They can also use THETIS EU to see if the particular ship was inspected on its waste management and left the waste in question in the Port Reception Facility of the previous port of call.

The data is collected for the EU by Integrated Maritime Services in SafeSeaNet, CleanSeaNet, THETIS and THETIS EU. It facilitates the decision on whether to verify the possible pollution incident or not. Consequently, the Member States have a dedicated EU hub hosted by EMSA to support detecting and tackling ship-source pollution.¹²

The Port Reception Facilities Directive imposes requirements for the delivery of waste from ships to ports. While the SSP Directive discourages the illegal discharge of such waste into sea, the PRF Directive implements the proper collection and management of waste. The PRF Directive's delivery obligation mirrors that of the discharge prohibitions in MARPOL. Ships have to report their advance waste notifications and waste delivery receipts, which form the basis for inspections recorded in THETIS EU. The Commission monitors the inspection rates and checks if the annual target has been met.¹³

The newly revised directive on port state control (PSC) improves the system of inspection of foreign ships in ports of states other than the flag state by PSC officers, to verify that the competency of the master, officers and crew on board, the condition of a ship, and its equipment comply with the requirements of international conventions and, in the EU, with applicable EU law. As such, PSC is important in ensuring maritime safety and in protecting the marine environment. The revised directive: (i) updates EU legislation and aligns it with international rules and procedures as set out in the Paris memorandum of understanding (MoU) and IMO conventions, (ii) protects fishing vessels, their crews, and the environment, including by introducing a voluntary inspections regime for larger fishing vessels (more than 24 metres in length), (iii) ensures an efficient and harmonised approach to carrying out PSC inspections.¹⁴

3. The EU framework for monitoring ship-source pollution

In 2008, the EU adopted the [Marine Strategy Framework Directive¹⁵](#) (MSFD) to maintain clean, healthy, productive and resilient marine ecosystems while securing a more sustainable use of marine resources.

The Directive requires Member States to develop national marine strategies in order to achieve, or maintain where it exists, 'good environmental status', across 11 descriptors, including contaminants and marine litter. Such status should have been achieved by 2020. The marine strategies comprise regular assessments of the marine environment, setting objectives and targets, establishing monitoring programmes and putting in place measures to improve the state of marine waters. These strategies need to be updated in six-year cycles. As this is a framework directive, the monitoring programmes developed by Member States may also draw on various other EU or regional and international monitoring efforts. The Commission is dedicated to improving Member States' monitoring programmes and has issued [two reports](#) to guide Member States in their monitoring

¹² See ECA observations 41 to 53.

¹³ See ECA observations 54 to 58.

¹⁴ See ECA observations 59 to 61.

¹⁵ Directive 2008/56/EC of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), OJ L 164, 25.6.2008, p. 19–40 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32008L0056>

efforts, while engaging in a continuous dialogue through the MSFD's common implementation strategy. The MSFD is currently under review.¹⁶

III. COMMISSION REPLIES TO THE RECOMMENDATIONS OF THE ECA

Recommendation 1 – Improve the functioning and effectiveness of EMSA pollution alert tools

(Target implementation date: 2027)

The Commission should, with the support of EMSA:

- (a) provide guidelines to member states on actions to be taken and reporting obligations related to CleanSeaNet alerts;**

The Commission **accepts** this recommendation.

The Commission with the support of EMSA will continue to work with Member States, specifically in the forum of the CleanSeaNet user group and encourage them to take actions and report on the follow-up of CleanSeaNet alerts (CleanSeaNet possible pollution incidents detected). Specific guidance related to CleanSeaNet will be developed together with the CleanSeaNet user group. The Commission with the support of EMSA will publish guidelines laying down detailed rules on the procedure for reporting so that Member States can meet their reporting obligations which start in 2027.

- (b) develop the technology and methodology for alerts on pollutants other than oil; and**

The Commission **accepts** this recommendation.

The Commission with the support of EMSA will enhance CleanSeaNet so that it can alert the Member States on more types of pollutants e.g. sewage, garbage, lost containers. This task is planned as part of the project of adapting IT tools hosted by EMSA to the needs of the amended SSP Directive. The timing of the project is aligned with the timing of the transposition of the Directive.

- (c) assess the reliability of EMSA's pollution alerts and whether member states' actions in response to the alerts are effective.**

The Commission **accepts** this recommendation.

The Commission will monitor Member States' actions in response to CleanSeaNet alerts and report on the number of CleanSeaNet possible pollution incidents detected, verified, and confirmed. Information on the reliability of CleanSeaNet will be analysed by cross-checking with cases of confirmed incidents reported by Member States noting that the time of observation and type of assets used in the verification are of outmost importance to ensure the effectiveness of the on-site verification. The information on the effectiveness of Member State action will be derived by

¹⁶ See ECA observations 73 to 91.

comparing how many verified incidents became confirmed incidents. Such analysis can only take place when the new reporting obligations become mandatory for the Member States i.e. after the transposition deadline in July 2027. By the end of 2027 preliminary data for assessing the reliability of alerts can be expected because the Directive will be transposed for only five months by then. This information will be incomplete because the first reporting deadline for information on the penalties imposed during the previous calendar year in the case of confirmed incident is 30 June 2028.

Recommendation 2 – Strengthen the monitoring of member states' mandatory checks under EU directives

(Target implementation date: 2028)

The Commission should, with the support of EMSA, improve how member states report on their compliance with the requirements under EU directives to make checks and apply penalties or sanctions, for instance by setting reporting deadlines, reporting formats, and indicators.

The Commission **accepts** this recommendation.

With respect to SSP, the Commission with the support of EMSA will set up a new reporting tool for the implementation of the amended SSP Directive to make checks on whether Member States verify possible incidents and apply penalties in cases where the pollution was confirmed and the offender was identified. The reporting deadline will be 30 June each year for penalties imposed during the previous calendar year. The Commission with the support of EMSA will prepare a reporting format and share with the public a set of indicators on ship-source pollution. The new indicators can be shared only after the new reporting obligations become mandatory i.e. by end of 2028 when the first reports are available.

With respect to port state control inspections, the amended Directive provides for enhanced training of Member State's inspectors to improve the quality of inspections, it also tightens up the timeframe within which inspecting Member States have to submit their inspection reports to the EU database – this will now be fixed at 72 hours.

Recommendation 3 – Follow-up scaling up issues in EU-funded projects

(Target implementation date: 2026)

The Commission, together with the member states, should follow up on issues relating to scaling up, which affect EU-funded projects that tackle ship-source pollution.

The Commission **partially accepts** this recommendation.

As pointed out by the ECA, several EU funding programmes are used to finance projects tackling ship-source pollution. Conversely, none of the EU funding programmes are exclusively dedicated to ship-source pollution. This recommendation therefore needs to be considered for each funding programme which includes projects tackling ship-source pollution.

Under the European Maritime and Fisheries Fund and the EMFAF, the bulk of the projects tackling ship-source pollution are under shared management between the Commission and the Member States. The Commission will work with Member States and raise the issue of upscaling as a standing

point in the Annual Performance Review meetings for EMFAF to encourage the use of funds on, and upscaling of, projects such as those mentioned in annex VI of this ECA report. However, the evaluation of issues relating to the upscaling of projects remains within the remit of the Member States.

Under Horizon Europe, the Sustainable Blue economy partnership has a focus to reduce in general the impact of the blue economy into the marine and coastal environment. Without specifically addressing the issue of ship-source pollution through a dedicated activity, it will “contribute to innovative and sustainable concepts for small- and medium-sized vessels and recreational boating” as pointed in the Strategic Research and Innovation Agenda 2024¹⁷. The EU Mission “Restore our Ocean and Waters” also addresses the objective of reducing pollution across ocean, seas, and waters, as well as supporting a carbon-neutral blue economy¹⁸. Under the sustainable blue economy partnership and the EU mission “Restore our Ocean and Waters”, the Commission will consider the issues affecting the scaling up of the supported projects as it is part of their core objectives.

Due to the specific design of the other funding programmes which may include projects tackling ship-source pollution, the Commission is not in a position to implement the recommendation for these programmes.

Recommendation 4 – Enhance reporting and monitoring on the environmental status of marine waters

(Target implementation date: 2027)

The Commission should improve the harmonisation of monitoring and reporting on contaminants and marine litter, both among member states and to the Commission. This includes gaining access to comparable underlying data to better measure progress in the condition of the marine environment.

The Commission **accepts** this recommendation.

The Commission has already engaged with Member States to improve the harmonisation of monitoring and reporting through the Common implementation strategy of the Marine Strategy Framework Directive. The Commission will continue to work with Member States to improve this further. The Commission is evaluating the Marine Strategy Framework Directive and will therefore also consider monitoring and reporting obligations in this exercise. The Commission might propose the necessary amendments to the legislation; however, the Commission cannot prejudge the outcome of the impact assessment. Through its framework programmes for research and innovation, the EU has funded a portfolio of projects, aiming, *inter alia*, to harmonise monitoring and assessment of plastic pollution. The [Horizon Europe Strategic Plan 2025-27](#) also includes the need to address and monitor fresh and sea water pollution from source to sea. The Commission seeks continuously to strengthen the link between research and policy making and implementation and strongly supports the uptake of projects’ results in MSFD implementation.

¹⁷ [sustainable_blue_economy_partnership_strategic_research_and_innovation_agenda_2024.pdf](#) (page 8)

¹⁸ [Restore our Ocean and Waters - European Commission](#)