

# CompMon

Compliance monitoring pilot for Marpol Annex VI

## The use of remote sensing in the Belgian legislation on administrative fines

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## Current situation – criminal procedure

- 2016: 13 violations were reported to the public prosecutor
- No case has yet been brought before a court
  - difficult topic to understand
  - long procedure:
    1. public prosecutor has to decide if there the prosecution will start
    2. 1<sup>st</sup> court has to decide if there are reasons to prosecute
    3. 2<sup>nd</sup> court has to decide if there was a violation and impose the penalty
- Right to appeal
- 2-4 years for a final decision
- No guarantee that the fine will be paid

## New legislation – administrative fines

- Starts at the 1<sup>st</sup> of January 2017
- Inspectors of DG shipping will report to the public prosecutor and the competent authority for administrative fines in the Dir.Gen.Shipping
  - competent staff who knows the topic
  - only one decision
- Decriminalisation of the seafarer
- All rights of defence are guaranteed
- Between 3-5 months before the fine is imposed

## Bank Guarantee

- If there are clear grounds that indicates that a ship has violated the Belgian legislation, a bank guarantee is required
- The ship may not leave the port until the bank guarantee is issued
- Results from sniffers of quick scan can be used to ask for the bank guarantee:
  - confirmed analysis
  - clear indication of a possible violation

## Future

- Standardisation of remote sensing technologies
- Harmonisation in IMO and SECA countries
- Cooperation with different networks

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