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*****I REPORT**

on the proposal for a directive of the European Parliament and of the Council
amending Directive 2002/59/EC establishing a Community vessel traffic
monitoring and information system
(COM(2005)0589 – C6-0004/2006 – 2005/0239(COD))

Committee on Transport and Tourism

Rapporteur: Dirk Sterckx

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system
(COM(2005)0589 – C6-0004/2006 – 2005/0239(COD))**

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0589)¹,
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0004/2006),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Fisheries (A6-0086/2007),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 RECITAL 5

(5) The automatic ship identification systems (AIS – Automatic Identification System) referred to in the SOLAS Convention make it possible not only to improve the possibilities of monitoring these ships but above all to make them safer in close navigation situations. They have accordingly been integrated into the enacting terms of Directive 2002/59/EC. Considering the large number of collisions involving fishing vessels that have clearly

(5) The automatic ship identification systems (AIS – Automatic Identification System) referred to in the SOLAS Convention make it possible not only to improve the possibilities of monitoring these ships but above all to make them safer in close navigation situations. They have accordingly been integrated into the enacting terms of Directive 2002/59/EC. Considering the large number of collisions involving fishing vessels that have clearly

¹ Not yet published in OJ.

not been seen by merchant ships or which have not seen the merchant ships around them, extension of this measure to include fishing vessels with a length of more than 15 metres is very much to be desired.

not been seen by merchant ships or which have not seen the merchant ships around them, extension of this measure to include fishing vessels with a length of more than 15 metres is very much to be desired.

The International Maritime Organisation (IMO) has recognised that the publication for commercial purposes on the worldwide web or elsewhere of AIS data transmitted by ships could be detrimental to the safety and security of ships and port facilities and has urged member governments, subject to the provisions of their national laws, to discourage those who make available AIS data to others for publication on the worldwide web, or elsewhere, from doing so. In addition, the availability of AIS information on ships' routes and cargoes should not be detrimental to fair competition between actors in the shipping industry.

Justification

Your rapporteur supports the introduction of AIS for fishing vessels to make them more easily seen, particularly by large merchant vessels. However, there is a risk that AIS will be misused by competing fishing vessels to find out where others are fishing. That is not the purpose of AIS.

In general it needs to be ensured that the data transmitted via AIS are not misused for commercial ends.

Amendment 2 RECITAL 6

(6) It would be useful to study what synergies might be possible between AIS and the positioning and communication systems used in the context of the common fisheries policy, such as the satellite-based vessel monitoring system (VMS). Investigation of the possibilities of integrating these systems should take account of the needs and requirements of controlling fishing fleets, particularly as regards the security and confidentiality of the data transmitted.

(6) It would be useful to study what synergies might be possible between AIS and the positioning and communication systems used in the context of the common fisheries policy, such as the satellite-based vessel monitoring system (VMS). ***The timetable for fitting vessels with AIS should accordingly be determined in the light of the findings of such a study.*** Investigation of the possibilities of integrating these systems should take account of the needs and requirements of controlling fishing fleets, particularly as regards the security

and confidentiality of the data transmitted.

Justification

Before AIS is made mandatory, it would be useful to determine the extent to which it could operate in conjunction with the satellite-based vessel monitoring system. Study on this point might produce options enabling the safety of fishing vessels to be improved in keeping with IMO standards and at less than the expected cost.

Amendment 3 RECITAL 6 A (new)

(6a) This Directive provides that new ships must be fitted with AIS. To equip the existing fishing fleet, a special budget line should be created in addition to the Financial Instrument for Fisheries Guidance, which would allow cofinancing of up to around 90% from Community funds, regardless of geographical area.

Justification

If the AIS and VMS systems are incompatible, so that two systems must be installed, small and medium-sized vessels are burdened with higher costs, which often places family businesses in financial difficulties. This must be taken into account when support is granted, regardless of the geographical area. This support must operate within the margins for the period 2007-2013.

Amendment 4 RECITAL 8

(8) In accordance with Article 18 of Directive 2002/59/EC concerning the risks posed by exceptionally bad weather, it seems necessary to take into account the potential danger to shipping from ice formation. Therefore, where a competent authority designated by a Member State considers, on the basis of an ice forecast provided by a qualified information service, that the sailing conditions are creating a serious threat to the safety of human life or of pollution, it should inform the masters of the ships present in its area of competence or intending to enter or leave the port or ports in the area concerned. The authority concerned should be able to take any appropriate steps to ensure the safety of

(8) In accordance with Article 18 of Directive 2002/59/EC concerning the risks posed by exceptionally bad weather, it seems necessary to take into account the potential danger to shipping from ice formation. Therefore, where a competent authority designated by a Member State considers, on the basis of an ice forecast provided by a qualified information service, that the sailing conditions are creating a serious threat to the safety of human life or of pollution, it should inform the masters of the ships present in its area of competence or intending to enter or leave the port or ports in the area concerned. The authority concerned should be able to take any appropriate steps to ensure the safety of

human life at sea and to protect the environment.

human life at sea and to protect the environment. *To avoid possible problems with the ice rules laid down by some classification societies, it would be helpful if States standardised their rules; in this regard there could be unified requirements from the International Association of Classification Societies (IACS) or other leading societies in order to avoid such possible conflicts.*

Justification

The amendment seeks to avoid any disagreement between different ice class rules.

Amendment 5
RECITAL 11

(11) ***In*** the event of a situation of distress at sea, that is to say, a situation that could give rise to loss of a vessel or an environmental or navigational hazard, ***a*** decision ***may have to be taken*** as regards the accommodation of a ship in distress in a place of refuge. To this end, ***the authority concerned*** should make a preliminary evaluation of the situation on the basis of the information contained in the relevant “place of refuge” plan.

(11) ***It is important, in*** the event of a situation of distress at sea, that is to say, a situation that could give rise to loss of a vessel or an environmental or navigational hazard, ***to be able to call on an independent authority having the powers and expertise to take any necessary decisions to assist the vessel in distress with a view to protecting human lives and the environment and minimising economic damage. It is desirable that the competent authority should be permanent in nature. In particular, this authority should be empowered to take an independent*** decision as regards the accommodation of a ship in distress in a place of refuge. To this end, ***it*** should make a preliminary evaluation of the situation on the basis of the information contained in the relevant “place of refuge” plan.

Justification

More emphasis needs to be placed on the independence and expertise of the competent authority. The wording used above was also used in Parliament’s earlier resolutions on improving safety at sea, in which Parliament urged the setting up of an independent authority.

Amendment 6
RECITAL 12

(12) Plans for accommodating ships in ***distress*** should describe precisely the decision-making chain with regard to alerting and dealing with the situations in question. The authorities concerned and their remits should be clearly described, as should the means of communication between the parties involved. The applicable procedures should ensure that decisions can be taken quickly on the basis of specific maritime expertise. ***To this end, the competent authority responsible for determining the appropriate place of refuge for accommodating a ship in distress should offer the necessary guarantees of independence and be fully capable of enforcing its decisions.***

(12) Plans for accommodating ships in ***need of assistance*** should describe precisely the decision-making chain with regard to alerting and dealing with the situations in question. The authorities concerned and their remits should be clearly described, as should the means of communication between the parties involved. The applicable procedures should ensure that decisions can be taken quickly on the basis of specific maritime expertise ***in handling incidents where serious harmful consequences can be expected.***

Amendment 7
RECITAL 14

(14) It is important for the list of competent authorities responsible for deciding whether to accommodate a ship in a place of refuge, and the list of authorities responsible for receiving and handling alerts, to be published appropriately. The Member States should give the Commission an inventory of potential places of refuge. It may also prove useful for the parties involved in a maritime assistance operation and the authorities of neighbouring Member States likely to be affected by an emergency at sea to have access to appropriate information on the plans and places of refuge.

(14) It is important for the list of competent authorities responsible for deciding whether to accommodate a ship in a place of refuge, and the list of authorities responsible for receiving and handling alerts, to be published appropriately. The Member States should give the Commission an inventory of potential places of refuge. It may also prove useful for the parties involved in a maritime assistance operation and the authorities of neighbouring Member States likely to be affected by an emergency at sea to have access to appropriate information on the plans and places of refuge. ***It is important that the parties possessing such information guarantee its confidentiality.***

Justification

We must ensure that only the authorities which really need this information have access to it, and that these authorities treat it very carefully and respect its confidentiality.

Amendment 8
RECITAL 15

(15) *The accommodation of a ship in distress can cause substantial damage to goods, persons and the environment. Accordingly, before taking a decision the authorities concerned should be able to verify whether the ship is covered by insurance or some other financial guarantee permitting appropriate compensation for costs and damage associated with its accommodation in a place of refuge. Even where there is no such insurance or financial guarantee, the authorities should make an assessment of the factors and risks attached to accommodating or refusing to accommodate the ship.*

(15) *The absence of financial guarantees or insurance does not exonerate a Member State from its obligation to assist a ship in distress and to accommodate it in a place of refuge if by so doing it can reduce the risks to the crew and the environment. Though the competent authorities may verify whether the ship is covered by insurance or some other financial guarantee permitting appropriate compensation for costs and damage associated with its accommodation in a place of refuge, the act of requesting this information must not delay the rescue operation.*

Justification

Your rapporteur wishes to emphasise that the absence of insurance does not of itself exonerate the Member State from its duty to accommodate a ship in distress. We must of course require vessels to be insured, and we have a wide variety of instruments (such as port state control, etc.) with which to do so. However, if an uninsured ship is in difficulties off a European coast and a disaster threatens, it must be accommodated like any other ship.

Amendment 9 RECITAL 15 a (new)

(15a) Ports which accommodate a ship in distress must be able to rely on prompt reimbursement in respect of costs and any damage associated with the operation. To that end it is important that not only Directive XX/XXXX/EC on the civil liability and financial guarantees of shipowners and the International Oil Pollution Compensation Funds, but also the International Convention of 1996 on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (the 'HNS Convention') and the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the 'Bunker Oil Convention') be applied. Member States should therefore ratify these conventions as soon as possible. It is also desirable

that Member States should press, within the IMO, for the adoption of the Wreck Removal Convention. In exceptional cases, Member States shall ensure the reimbursement of costs and economic damage suffered by a port as a result of accommodating a ship in distress, particularly if such costs and economic damage are not covered by the financial guarantees of the vessel owners and other existing compensation mechanisms.

Justification

A port which accommodates a ship in distress may receive compensation for damage suffered under the HNS Convention (1996, ratified by only 2 Member States), the Bunker Convention (ratified by 6 Member States), the IOPC Fund and the forthcoming Wreck Removal Convention. Even if these conventions are applied, however, certain economic losses (resulting, for example, from occupation of a quay or restricted access to the port) are not covered. In such cases the Member State in question should intervene as a stop-gap to compensate those who have suffered damage, and may subsequently recover the amount in question from those responsible.

Amendment 10
RECITAL 15 B (new)

(15b) In order to obtain the full cooperation and trust of ships' masters and crew, it needs to be ensured that those masters and crew can rely on good and fair treatment from the competent authorities of the Member State which is required to accommodate their ship in distress. To that end, it is desirable that Member States apply the IMO guidelines on fair treatment of crews.

Justification

The growing trend to treat ships' crews as criminals is not conducive to safety at sea. For fear of being arrested, ships' masters often postpone calling for help. Sometimes they attempt to press on in order to reach the waters of a Member State which is more 'lenient' in this respect. This can exacerbate damage to the vessel and the risk of a disaster. The guidelines recently adopted in the IMO are a step in the right direction.

Amendment 11
RECITAL 15 B (new)

(15b) Surveillance of the Union's coasts and monitoring of ships entering its territorial waters are a cornerstone of European maritime safety. To deny impunity to ships and ensure that any place of refuge receives compensation in the event of an accident, it is essential to intensify coastal checks and ensure that no ship enters Union territorial waters if it does not have a financial guarantee within the meaning of Directive XX/XXXX/EC on the civil liability and financial guarantees of shipowners.

Justification

At present there is no compensation scheme to cover the damage and losses caused by ships without financial guarantees. To avoid situations of this kind, Member States must tighten up the checks carried out on their coasts, in accordance with the directive on the civil liability of shipowners, and bar ships without financial guarantees from entering EU territorial waters.

Amendment 12
RECITAL 17

(17) In accordance with Directive 2002/59/EC the Member States and the Commission have made substantial progress towards harmonising electronic data exchange, in particular as regards the transport of dangerous or polluting goods. The Community information exchange system SafeSeaNet, in development since 2002, should now be established as the reference network at Community level.

(17) In accordance with Directive 2002/59/EC the Member States and the Commission have made substantial progress towards harmonising electronic data exchange, in particular as regards the transport of dangerous or polluting goods. The Community information exchange system SafeSeaNet, in development since 2002, should now be established as the reference network at Community level. ***It is important to ensure that it does not result in increased administrative or cost burdens for industry, that there is harmonisation with international rules and that confidentiality in relation to any possible commercial implications is taken into account.***

Justification

Safe Sea Net is an important step forward, but it is essential to ensure commercial confidentiality and conformity with international rules as well as to avoid excessive burdens

for the industry.

Amendment 13
RECITAL 18

(18) The progress made in the new technologies and in particular in their space applications, such as **beacon-based** ship monitoring systems, imaging systems or Galileo, now makes it possible to extend traffic monitoring further offshore and thereby to ensure better coverage of European waters. Furthermore, **discussions are going on now in the International Maritime Organisation on the development of long-range traffic monitoring systems. There will have to be full cooperation within the Community on this work if these tools are to become an integral part of the maritime traffic monitoring system established by Directive 2002/59/EC.**

(18) The progress made in the new technologies and in particular in their space applications, such as **satellite-based** ship monitoring systems, imaging systems or Galileo, now makes it possible to extend traffic monitoring further offshore and thereby to ensure better coverage of European waters. Furthermore, the **IMO has amended the SOLAS Convention for maritime safety and security and maritime environmental purposes with a view to developing systems for global long-range identification and tracking of ships (LRIT). In accordance with the architecture approved by the IMO, which provides for the possibility of setting up regional LRIT Data centres, and taking into account the experience gained from the SafeSeaNet project, a LRIT European Data Centre should be set up for the collection and management of LRIT information. In order to retrieve LRIT data, Member States will need to be connected to the LRIT European Data Centre.**

Justification

The objective is to incorporate into Community legislation the progress made in IMO on the LRIT. The amendments to the SOLAS Convention are expected to enter into force as from 1 January 2008 and to be made mandatory on board ships as from 31 December 2008. LRIT data will be collected by Data Centres which will be responsible for distributing them to the flag, port or coastal states concerned. Very little time is therefore available before the LRIT becomes mandatory, which justifies that the Directive is rapidly amended to reflect this fundamental evolution.

Amendment 14
RECITAL 18 A (new)

(18a) The IMO requirements for the fitting of ships with a LRIT system are applicable only to ships engaged in

international voyages. However, since ships in domestic voyages between ports of a Member State may also pose a risk for maritime security, safety and the environment, such ships should also be fitted with LRIT, in accordance with a timetable to be proposed in due time by the Commission.

Justification

See rapporteur's amendment to Recital 18.

Amendment 15
RECITAL 19 A (new)

(19a) Information gathered pursuant to this Directive may only be disseminated and used to prevent situations which threaten the safety of human life at sea and the protection of the marine environment; it is therefore desirable that the Commission, in cooperation with the European Network and Information Security Agency, investigate how to tackle the network and information security problems resulting from the application of this Directive.

Justification

This directive, and in particular its provisions concerning AIS and SafeSeaNet, give rise to a considerable number of confidentiality issues for those affected, who fear that the information transmitted via these networks is not sufficiently protected against commercial abuse and espionage. Your rapporteur considers that this is a task for the European Network and Information Security Agency.

Amendment 16
ARTICLE 1, POINT -1 (new)
Article 1, paragraph 1 (Directive 2002/59/EC)

(-1) In Article 1, paragraph 1 shall be replaced by the following:

"The purpose of this Directive is to establish in the Community a vessel traffic monitoring and information system with a

view to enhancing the safety and efficiency of maritime traffic, port and maritime security, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and contributing to a better prevention and detection of pollution by ships."

Justification

The words 'port and maritime security' have been added. With the addition of specific provisions on Long Range Identification and Tracking Information (LRIT), the Directive will now deal with security matters. Since the scope of the Directive as defined in Article 1 does not mention security, this should be rectified in order to be coherent.

Amendment 17

ARTICLE 1, POINT 2, POINT (A), POINT (II)
Article 3, point (a), indent 2 a (new) (Directive 2002/59/EC)

- IMO Resolution A.917(22) means International Maritime Organisation Resolution 917(22) entitled "Guidelines for the onboard use of AIS", as amended by Resolution A.956(23);

Justification

See rapporteur's amendments to Article 6a and Article 20(2)b.

Amendment 18

ARTICLE 1, POINT 2, POINT (A), POINT (II)
Article 3, point (a), indent 2 b (new) (Directive 2002/59/EC)

- IMO Resolution A. 987(24) means International Maritime Organisation Resolution A. 987(24) entitled "Guidelines on the fair treatment of seafarers in the event of a maritime accident";

Justification

See rapporteur's amendments to Article 6a and Article 20(2)b.

Amendment 19
ARTICLE 1, POINT 2, POINT (B)
Article 3, point (s) (Directive 2002/59/EC)

“(s) ‘SafeSeaNet’ means the Community maritime information exchange system developed by the Commission in cooperation with the Member States to ensure the implementation of Community legislation;

“(s) ‘SafeSeaNet’ means the Community maritime information exchange system developed by the Commission in cooperation with the Member States to ensure the implementation of Community legislation, ***as set out in a special annex which will be drawn up on the basis of the procedure referred to in Article 28;***

Justification

A clear description of the ‘SafeSeaNet’ system and its technical characteristics should be set out in an annex which would include the previously mentioned requirements.

Amendment 20
ARTICLE 1, POINT 2, POINT (B)
Article 3, point (u a) (new) (Directive 2002/59/EC)

(ua) ‘LRIT’ means a system that automatically transmits long-range identification and tracking information in accordance with Regulation 19 Chapter V of the SOLAS Convention for maritime safety and security and maritime environmental purposes.

Justification

The objective is to incorporate into Community legislation the progress made in IMO on the LRIT. The amendments to the SOLAS Convention are expected to enter into force as from 1 January 2008 and to be made mandatory on board ships as from 31 December 2008. LRIT data will be collected by Data Centres which will be responsible for distributing them to the flag, port or coastal states concerned. Very little time is therefore available before the LRIT becomes mandatory, which justifies that the Directive is rapidly amended to reflect this fundamental evolution.

Amendment 21
ARTICLE 1, POINT 3
Article 6 a (Directive 2002/59/EC)

Any fishing vessel with a length of more than **15 metres** overall and sailing in waters under the jurisdiction of a Member State must, in accordance with the timetable set

Any fishing vessel with a length of more than **24 metres** overall and sailing in waters under the jurisdiction of a Member State must, in accordance with the timetable set

out in Annex II, part I(3), be fitted with an AIS which meets the performance standards drawn up by the IMO.

out in Annex II, part I(3), be fitted with an AIS which meets the performance standards drawn up by the IMO.

Justification

The safety of fishing vessels is assured by the current Community monitoring system. In addition, fishing vessels between 15 m and 24 m long already require substantial expenditure, since equipment has to be purchased and installed (VMS satellite apparatus). Finally, it is doubtful whether the relatively low rate of accidents involving small fishing vessels less than 24 m long in European waters justifies the expense of fitting them out with AIS.

Amendment 22

ARTICLE 1, POINT 3

Article 6a, paragraph 1 a (new) (Directive 2002/59/EC)

Fishing vessels equipped with AIS shall keep this system operational at all times, except when international agreements, rules or standards provide for the protection of navigation data.

Justification

Your rapporteur supports the introduction of AIS for fishing vessels to make them more easily seen, particularly by large merchant vessels. However, there is a risk that AIS will be misused by competing fishing vessels to find out where others are fishing. That is not the purpose of AIS and needs to be avoided as far as possible. The risk also exists, though to a lesser extent in European waters, of crime or piracy at sea. The IMO guidelines on AIS provide for the possibility of switching off AIS in such cases.

Amendment 23

ARTICLE 1, POINT 3

Article 6a, paragraph 1 b (new) (Directive 2002/59/EC)

In accordance with the IMO Guidelines for the onboard use of AIS, AIS may be switched off where the master considers this necessary in the interests of the safety or security of his vessel.

Justification

See rapporteur's amendment to Article 6a (1)a (new).

Amendment 24

(3a) The following Article 6b shall be inserted:

"Article 6b

Use of long-range identification and tracking of ships (LRIT)

1. Ships engaged in international voyages, except when fitted with AIS and operating exclusively within a sea area A1 covered by an AIS network, shall be fitted with an LRIT system in accordance with Regulation 19 Chapter V of the SOLAS Convention and the performance standards and functional requirements adopted by the IMO.

The Commission shall lay down, in accordance with the procedure referred to in Article 28, requirements for the fitting of LRIT equipment on board ships engaged in domestic voyages between ports of a Member State of the European Union.

2. Member States and the Commission shall cooperate to establish, by 31 December 2008, an LRIT European Data Centre in charge of processing the long-range identification and tracking information.

The LRIT European Data Centre shall be a component of the European maritime information and exchange system, SafeSeaNet.

Member States shall establish, by 31 December 2008 at the latest, and maintain a connection to the LRIT European Data Centre."

Justification

The objective is to incorporate into Community legislation the progress made in IMO on the LRIT.

Amendment 25
ARTICLE 1, POINT 4
Article 12, introductory wording (Directive 2002/59/EC)

*No dangerous or polluting goods **shall be offered** for carriage **or taken on board any ship**, irrespective of its size, **in a port of a Member State unless** a declaration **has been delivered to the master or operator** containing the following information:*

***1. Shippers offering** dangerous or polluting goods for carriage **in a port of a Member State shall deliver to the master or operator of the ship**, irrespective of its size, **before the goods are taken on board**, a declaration containing the following information:*

Justification

It is important to make clear that it is the shipper who is principally responsible for providing correct information on the cargo to the master or operator of the ship.

Amendment 26
ARTICLE 1, POINT 4
Article 12, point (b) (Directive 2002/59/EC)

(b) for the substances referred to in Annex I to the Marpol Convention, the safety data sheet detailing the physico-chemical characteristics of the products, including their viscosity expressed in cSt at 50°C and their density at 15°C;

(b) for the substances referred to in Annex I to the Marpol Convention, the safety data sheet detailing the physico-chemical characteristics of the products, including their viscosity expressed in cSt at 50°C and their density at 15°C **and the other data contained in the safety data sheet in accordance with IMO resolution MSC.150(77);**

Justification

It is desirable to ensure that the data complies with what has been agreed within the IMO in this connection.

Amendment 27
ARTICLE 1, POINT 4
Article 12, paragraph 1 a (new) (Directive 2002/59/EC)

1a. Vessels coming from a port outside the Community and heading for a port of a Member State or an anchorage in the territorial waters of a Member State which have dangerous or polluting substances on board must be in

possession of a declaration by the shipper containing the following information:

a) the information listed in Annex I, section 3;

b) the information required under paragraph 1(b) and (c) of this Article.

Justification

The Commission wants the shipper to provide the master or operator of a vessel with a data sheet setting out the physico-chemical properties and viscosity of the mineral oils he is to transport. Consultations with the sector show that this information is highly relevant in the event of a problem with the ship. Your rapporteur therefore considers that vessels coming from outside the Community and heading for a European port should also be in possession of this information.

Amendment 28

ARTICLE 1, POINT 4

Article 12, paragraph 2 (Directive 2002/59/EC)

It shall be the duty of the shipper to ***deliver to the master or operator such declaration and to*** ensure that the shipment offered for carriage is indeed the one declared in accordance with *the first* paragraph.

1b. It shall be the duty ***and responsibility*** of the shipper to ensure that the shipment offered for carriage is indeed the one declared in accordance with *paragraphs 1 and 2.*

Justification

This last subparagraph should become a separate paragraph of Article 12. It also needs to be made clear that the operator or master cannot be held responsible if the shipper provides inaccurate or misleading information about the cargo.

Amendment 29

ARTICLE 1, POINT 4 A (new)

Article 14, paragraph 2, point (c) (Directive 2002/59/EG)

(4a) In the second paragraph of Article 14, point (c) shall be replaced by the following:

“(c) each Member State must be able, upon request, to send information on the ship and the dangerous or polluting goods on board without delay to the competent authority of another Member State. This must not lead to Member States routinely requesting information on ships and their

cargoes for purposes other than maritime safety or security or the protection of the maritime environment.”

Justification

There is some lack of clarity on the applicability of this article of the current Directive 2002/59/EC. This amendment seeks to make clear that it is not the intention that ships should disclose this information as a matter of course, and that this is only necessary if the situation calls for it.

Amendment 30

ARTICLE 1, POINT 6

Article 18a, paragraph 1, point (b) (Directive 2002/59/EG)

(b) they may request that a ship which is in the area concerned, and intends to enter or leave a port or terminal or to leave an anchorage area, ***satisfy*** the strength and power requirements commensurate with the ice situation in the area concerned.

(b) they may request that a ship which is in the area concerned, and intends to enter or leave a port or terminal or to leave an anchorage area, ***can document that it satisfies*** the strength and power requirements commensurate with the ice situation in the area concerned.

Justification

Authorities should not be allowed to ban ships from entering or leaving ports etc. on grounds of arbitrary judgement. Documentation should be sufficient to ensure this.

Amendment 31

ARTICLE 1, POINT 8

Article 20, paragraph 1 (Directive 2002/59/EC)

1. Member States shall ensure that, subject to the results of the assessment of the situation carried out on the basis of the plan referred to in Article 20a, ships in distress are admitted to a place of refuge which makes it possible to limit the threat posed by their situation.

1. Each Member State shall designate a competent authority which has the required expertise and is independent in that it has the power, at the time of the rescue operation, to take decisions on its own initiative concerning the accommodation of ships in distress with a view to:

- the protection of human lives***
- coastal protection***
- the protection of the marine environment***
- safety at sea***

- minimising economic damage.

Justification

This amendment seeks to make clear the extent to which the competent authority needs to be independent and what its other tasks are over and above the decision to accommodate a ship in a place of refuge (see Article 20(2) a (new)). Many of these tasks are set out in the non-exhaustive list in Annex IV of the current monitoring directive 2002/59/EC. Your rapporteur considers it desirable that this list be incorporated into this article.

Amendment 32

ARTICLE 1, POINT 8

Article 20, paragraph 1 a (new) (Directive 2002/59/EC)

1a. The authority referred to in paragraph 1 may, inter alia:

(a) restrict the movement of the ship or direct it to follow a specific course. This requirement does not affect the master's responsibility for the safe handling of his ship;

(b) give official notice to the master of the ship to put an end to the threat to the environment or maritime safety;

(c) come aboard or send an evaluation team aboard the ship to assess the damage to the ship and the degree of risk, help the master to remedy the situation and keep the competent coastal station informed;

(d) call on and deploy rescue workers itself where necessary;

(e) cause the ship to be piloted or towed.

Justification

See rapporteur's amendment to Article 20(1).

Amendment 33

ARTICLE 1, POINT 8

Article 20, paragraph 2 (Directive 2002/59/EC)

2. The accommodation of a ship in distress in a place of refuge shall be the subject of a prior assessment of the

2. The authority referred to in paragraph 1 shall assume responsibility for the execution of the plans referred to in

situation and a decision taken by an independent competent authority designated by the Member State.

Article 20a.

Amendment 34

ARTICLE 1, POINT 8

Article 20, paragraph 2 a (new) (Directive 2002/59/EC)

2a. On the basis of a preliminary assessment of the circumstances, the authority referred to in paragraph 1 shall decide on the accommodation of a ship in distress in a place of refuge.

The authority referred to in paragraph 1 shall ensure that, based on an assessment of the circumstances in accordance with the plans referred to in Article 20a, ships in distress are admitted to a place of refuge in all cases where the accommodation of the ship in distress in a place of refuge permits the risks associated with those circumstances to be reduced.

Justification

Your rapporteur considers that in all cases where the risks and damage can be limited by admitting a ship in distress to a place of refuge, this should be done. In a small number of cases, however, such as when there is a danger of explosion, the consequences of an explosion on the open sea would pose a much less serious threat to human life and the environment than an explosion in a place of refuge. We must not therefore assume that admission to a place of refuge is automatically the best solution.

Amendment 35

ARTICLE 1, POINT 8

Article 20, paragraph 2 b (new) (Directive 2002/59/EC)

2b. Member States shall respect the IMO Guidelines on the fair treatment of seafarers in the event of a maritime accident in relation to the crew of a ship in distress in the waters under their jurisdiction.

Justification

These guidelines were recently adopted by the IMO Legal Committee and will be submitted in June for adoption by the ILO. They were drawn up in response to the growing tendency to treat ships' masters and crews as criminals. The masters of both the Erika and the Prestige were arrested without any proof of wrongdoing. The fear of arrest sometimes leads the master of a ship, in the event of an accident at sea, to bring his damaged ship into the waters of another Member State, which risks causing greater damage to the ship.

Amendment 36

ARTICLE 1, POINT 9

Article 20a, paragraph 1 (Directive 2002/59/EC)

1. Member States shall draw up plans for responding to threats presented by ships in distress in the waters under their jurisdiction.

1. Member States shall draw up plans for responding to threats presented by ships in distress in the waters under their jurisdiction ***and for securing the accommodation of ships and the protection of human lives.***

Justification

It is important to stress that what is at issue here is not just the accommodation of the ship but also and most importantly the saving of human lives (passengers and crew).

Amendment 37

ARTICLE 1, POINT 9

Article 20a, paragraph 3, subparagraph 2 a (new) (Directive 2002/59/EC)

Persons receiving relevant information pursuant to this paragraph concerning emergency plans and places of refuge must guarantee the confidentiality of such information.

Justification

We need to ensure that this information is available only to those authorities which genuinely need it, and that such authorities treat such information very carefully and respect its confidentiality.

Amendment 38

ARTICLE 1, POINT 10

Article 20b, title (Directive 2002/59/EC)

Amendment 39

ARTICLE 1, POINT 10

Article 20b, paragraph 1 (Directive 2002/59/EC)

1. Prior to accommodating a ship in distress in a place of refuge, the Member State may request the ship's operator, agent or master to present an insurance certificate or a financial guarantee, within the meaning of Article X of Directive XX/XXXX/EC [on the civil liability and financial guarantees of shipowners], covering his liability for damage caused by the ship.

1. The absence of an insurance certificate or financial guarantee shall not exonerate the Member States from the preliminary assessment and decision referred to in Article 20 and is not of itself sufficient reason for a Member State to refuse to accommodate a ship in distress in a place of refuge.

Justification

Your rapporteur proposes swapping the positions of paragraphs 1 and 2, thereby emphasising that the absence of insurance does not mean that a ship in distress need not be assisted or accommodated. Saving human lives and/or preventing an environmental disaster must take precedence at any event, even if the ship's papers are not in order or it has no insurance.

Amendment 40

ARTICLE 1, POINT 10

Article 20b, paragraph 2 (Directive 2002/59/EC)

2. The absence of an insurance certificate or financial guarantee shall not exonerate the Member States from the prior assessment and decision referred to in Article 20.

2. Without prejudice to paragraph 1, when accommodating a ship in distress in a place of refuge, the Member State may request the ship's operator, agent or master to present an insurance certificate or a financial guarantee, within the meaning of Article 7 of Directive XX/XXXX/EC [on the civil liability and financial guarantees of shipowners], covering his liability for damage caused by the ship. The act of requesting this certificate shall not lead to a delay in accommodating a ship in distress.

Justification

A Member State may at any event request a certificate or proof of insurance to complete its

records. However, requesting such certificate must not delay the rescue operation.

Amendment 41

ARTICLE 1, POINT 10

Article 20b, paragraph 2 a (new) (Directive 2002/59/EC)

2a. Member States shall ensure the reimbursement of costs and potential economic damage suffered by a port as a result of a decision taken pursuant to Article 20 paragraph 2a if such costs or damage are not reimbursed within a reasonable time by the owner or operator of the ship pursuant to Directive XX/XXXX/EC on the civil liability and financial guarantees of shipowners and the existing international compensation mechanisms.

Justification

The accommodation of a ship may lead to damage and costs for a port. Parliament has on several occasions called for a [compensation] scheme for ports and places of refuge. The Commission proposes to address this issue in the forthcoming Directive on the civil liability and financial guarantees of shipowners. However, in certain cases this directive and the existing funds and conventions (most of which have not yet taken effect) do not compensate for the financial losses of a port. Your rapporteur calls for a compensation scheme to cover these exceptional cases.

Amendment 42

ARTICLE 1, POINT 11

Article 20a, paragraph 3 a (new) (Directive 2002/59/EC)

3a. When cooperating within regional agreements or in the framework of cross-border, inter-regional or transnational projects, Member States shall ensure that information systems or networks developed comply with the requirements of this Directive and are compatible with and connected to with the European maritime information and management system SafeSeaNet.

Justification

The aim of this amendment is to limit the risk that local or regional agreements between maritime administrations or cooperation initiatives between regions/ports/municipalities of several Member States in the same sea area are being developed without a proper consideration of the need of compatibility and interoperability between such systems throughout Europe and with the SafeSeaNet network.

Amendment 43

ARTICLE 1, POINT 11

Article 22a, paragraph 3 b (new) (Directive 2002/59/EC)

3b. To ensure that there is a sufficient period to test the functioning of the European maritime information exchange system SafeSeaNet, it shall become fully operational on 1 January 2009.

Justification

It is essential to provide a sufficient period for the Member States to test the operation of the SafeSeaNet if national and local systems are to comply with it.

Amendment 44

ARTICLE 1, POINT 12, POINT (B)

Article 23, points (e) and (f) (Directive 2002/59/EC)

(b) the following points (e) **and** (f) are added:

(b) the following points (e), (f) **and (fa)** are added:

Justification

The confidentiality of fishing locations has traditionally been crucial for the fishing fleet and must be guaranteed under the relevant European legislation.

Amendment 45

ARTICLE 1, POINT 12, POINT (B)

Article 23, point (e) (Directive 2002/59/EC)

"(e) ensuring the interconnection and interoperability of the national systems used for managing the information referred to in the Annex, and developing and updating the SafeSeaNet system;

"(e) ensuring the interconnection and interoperability of the national systems **and integrating conventional with satellite-based systems** used for managing the information referred to in the Annex, and developing and updating the SafeSeaNet system;

Justification

All present and future technologies should be integrated for obtaining the best possible SafeSeaNet system.

Amendment 46

ARTICLE 1, POINT 12, POINT (B)

Article 23, point (f) (Directive 2002/59/EC)

(f) studying the feasibility and determining the detailed rules for integrating automatic identification systems (AIS) with the positioning and communication systems used in the context of the common fisheries policy.”

(f) studying the feasibility and determining the detailed rules for integrating automatic identification systems (AIS) with the positioning and communication systems used in the context of the common fisheries policy. ***The findings of that study shall be made available at the latest twelve months before the entry into force of this Directive.***

Justification

Before AIS is made mandatory, it would be useful to determine the extent to which it could operate in conjunction with the satellite-based vessel monitoring system. Study on this point might produce options enabling the safety of fishing vessels to be improved in keeping with IMO standards and at less than the expected cost.

Amendment 47

ARTICLE 1, POINT 12, POINT (B)

Article 23, point (f a) (new) (Directive 2002/59/EC)

(fa) studying and implementing procedures that will more effectively guarantee the confidentiality of information gathered."

Justification

The confidentiality of fishing locations has traditionally been crucial for the fishing fleet and must be guaranteed under the relevant European legislation.

Amendment 48

ARTICLE 1, POINT 13 A (new)

Article 24, paragraph 1 a (new) (Directive 2002/59/EC)

(13a) In Article 24 the following paragraph shall be added:

"Member States shall, in accordance with their national legislation, prevent AIS and LRIT data transmitted by ships from being made available or used for purposes other than safety, security and the

protection of the environment.

Justification

This directive, and in particular its provisions concerning AIS and SafeSeaNet, give rise to a considerable number of confidentiality issues for those involved, who fear that the information transmitted via networks is not sufficiently protected against commercial abuse and espionage. It is important that the Member States take the necessary measures to tackle abuses.

Amendment 49

POINT 13 B (new)

Article 24, paragraph 1 b (new) (Directive 2002/59/EC)

“In cooperation with the European Network and Information Security Agency, the Commission shall investigate how to tackle the network and information security problems which may be associated with the measures provided for under this Directive, and in particular Articles 6, 6a, 14 and 22a thereof. No later than one year after the entry into force of this Directive, the Commission shall take the necessary measures to combat the unauthorised use or commercial abuse of data exchanged pursuant to this Directive.”

Justification

This directive, and in particular its provisions concerning AIS and SafeSeaNet, give rise to a considerable number of confidentiality issues for those involved, who fear that the information transmitted via these networks is not sufficiently protected against commercial abuse and espionage. Your rapporteur considers that this is a task for the European Network and Information Security Agency.

Amendment 50

ARTICLE 1, POINT 15

Annex II, section I, point 3, indent -1 (new) (Directive 2002/59/EC)

- new fishing vessel of overall length 24 metres and upwards: on the date of entry into force of this Directive;

Justification

The Commission's proposed timetable covers the installation of AIS on existing fishing vessels. For new vessels, however, your rapporteur regards it as reasonable to require rapid entry into force for this requirement.

Amendment 51

ARTICLE 1, POINT 15

Annex II, section I, point 3, introductory wording (Directive 2002/59/EC)

Any fishing vessel with a length of more than **15 metres** overall is subject to the carrying requirement laid down in Article 6a according to the following timetable:

Any fishing vessel with a length of more than **24 metres** overall is subject to the carrying requirement laid down in Article 6a according to the following timetable:

Justification

As in Article 6 bis the overall length is amended from 15 to 24 metres; this should be done in Annex II, Section 1, point 3, first paragraph as well to be consistent.

Amendment 52

ARTICLE 1, POINT 15

Annex II, section I, point 3, indent 1 (Directive 2002/59/EC)

- fishing vessel of overall length of 24 metres and upwards but less than 45 metres: not later than **1 January 2008**;

- fishing vessel of overall length of 24 metres and upwards but less than 45 metres: not later than **two years after the entry into force of this Directive**;

Justification

The proposed timescale for the safety equipment's installation is unrealistic given the time that the legislative process alone is likely to take. It would be sensible to establish timeframes linked to the entry into force of the Directive, in order to ensure the smooth and correct installation of this equipment.

Amendment 53

ARTICLE 1, POINT 15

Annex II, section I, point 3, indent 2 (Directive 2002/59/EC)

fishing vessel of overall length 18 metres and upwards but less than 24 metres: not later than 1 January 2009;

deleted

Justification

As in Article 6 bis the overall length is amended from 15 to 24 metres, this indent is not

needed anymore.

Amendment 54
ARTICLE 1, POINT 15
Annex II, section I, point 3, indent 3 (Directive 2002/59/EC)

***fishing vessel of overall length exceeding deleted**
15 metres but less than 18 metres: not
later than 1 January 2010.*

Justification

As in Article 6 bis the overall length is amended from 15 to 24 metres, this indent is not needed anymore.

EXPLANATORY STATEMENT

Introduction

Since the end of 1999 European policy on safety at sea has been a high priority on the European political agenda. The successive disasters of the *Erika* (1999) and the *Prestige* (2002) painfully highlighted the inadequacy of European policy, and the Member States approach, in the event of a disaster at sea.

Consequently the Commission, the Council and the European Parliament have worked hard over the past few years to strengthen policy on safety at sea. In less than three years, two packages of measures have been adopted. On 23 November 2005 the Commission approved a third package of seven measures. The review of the monitoring directive is one of the seven parts of that package.

Before going into detail on the substance of this proposal, here is a brief summary of what preceded the current proposal for the amendment of the 2002 monitoring directive.

The first monitoring directive arose as a consequence of the wreck of the oil tanker *Erika* in December 1999 off the French coast. Given that the *Erika* had encountered problems with being accommodated in a port of refuge, the Commission decided that a European policy on ports of refuge needed to be developed. At the same time the Commission wanted to develop a system to improve the monitoring of ships travelling along our coasts. This is important in particular for ships which are in transit and are not heading for a European port.

In the debate on the monitoring directive, your rapporteur argued *firstly* for compulsory insurance for ships, *secondly* for a compensation system for the reimbursement of costs and any damage caused to a port accommodating a ship in distress. At that time it seemed premature to propose legislative measures on this topic. It was decided, however, to consider both proposals. On 27 June 2002, under the Spanish Presidency, the directive was finally adopted. It represented in principle a major step forward in policy on the accommodation of ships in distress. The Member States were required to transpose the measures by February 2004.

In November 2002, hardly six months after the Council had given its approval to this legal framework for the accommodation of ships in distress, the *Prestige* disaster occurred. In spite of the legal framework which had just been approved, the Spanish authorities ordered the ship out to sea: 77 000 tonnes of crude oil escaped to pollute mainly Spanish coasts.

As a result of this environmental disaster, the Member States decided to bring forward the submission dates for plans for the accommodation of ships in distress. The European Parliament adopted two successive resolutions and decided to set up a Temporary Committee on Improving Safety at Sea (MARE). Your rapporteur was appointed to draw up the report of this temporary committee. In the resolution of 21 April 2004, which was the result of the work of the MARE temporary committee, the European Parliament called inter alia for:

- the existing rules governing the accommodation of ships in distress to be fully

- implemented by the Member States;
- every Member State to establish a clear decision-making and command structure for dealing with maritime emergencies and an independent authority having the powers and expertise to take the necessary decisions, in particular as regards the selection and mandatory assignment of an emergency mooring or port;
- the Commission to submit proposals as soon as possible for financial compensation for places of refuge;
- the Commission to investigate the scope for introducing mandatory insurance for vessels in European waters.

The Commission proposal

The Commission proposal amending Directive 2002/59/EC takes account of the calls made by the European Parliament, the Council, the Commission and the various interested parties on several points:

- tightening policy on the accommodation of ships in distress;
- designation by the Member States of an independent competent authority for the accommodation of ships in distress;
- measures to be taken in the presence of ice;
- treatment of uninsured ships;
- development of SafeSeaNet, a European system for the exchange of maritime information.

The Commission also made a number of new proposals:

- use of AIS to be made compulsory for fishing vessels longer than 15 metres;
- tightening of the shipper's obligation to provide information.

Proposals by your rapporteur

1. Introduction of automatic identification systems for fishing vessels

The Commission wishes fishing vessels to be required to be equipped with AIS: this would apply to the largest vessel category from 2008, and to the smallest (from 15 metres) from 2010. In this way the Commission seeks to reduce the number of collisions between large merchant vessels and fishing vessels.

Your rapporteur considers it a good idea for fishing vessels to be more easily seen by large merchant vessels: a collision can have tragic consequences for their crew.

However, he doubts whether this measure can be achieved within the time frame proposed. Installing AIS costs about EUR 2000 per ship. Fishermen are currently undergoing a major economic crisis, and do not have sufficient means to maintain their ships properly. Asking them to make yet another investment whose economic benefits they do not immediately see will not be easy. They also fear that AIS will lead to commercial espionage.

Your rapporteur therefore proposes a less stringent timetable, together with measures to prevent the misuse of AIS. He does, however, propose that account be taken in this draft

directive of progress which has been made in the context of the IMO regarding long-range identification systems (LRIT).

2. Obligation for the shipper to provide information

The Commission wants the shipper to provide the master or operator of a vessel with a data sheet setting out the physico-chemical properties and the viscosity of the mineral oils they are carrying.

Consultations with the fishing industry show that this information is of high relevance to rescuers.

Your rapporteur therefore proposes that ships which are heading for a European port from outside the EU should also have access to this information. It also needs to be made clear that under no circumstances can the master be held liable for the shipper providing him with incorrect or misleading information.

3. Designation of an independent competent authority

In making this proposal the Commission is responding to an important call by the European Parliament in its resolution of 21 April 2004.

In order for a rescue operation to succeed, time is of the essence. The successive disasters and near-disasters show us that much time was often wasted because it was not clear who was responsible for what, or because those competent to take a decision had to call on the expertise of a team which often had to be set up on an ad hoc basis.

There therefore needs to be an authority or person taking sole responsibility for assistance when such disasters occur, and with the capacity to take completely independent decisions in full knowledge of the facts. The role and competence of the British Secretary of State Representative (SOSREP) come closest to this system.

However, the task of the independent competent authority goes further than merely deciding on the accommodation of a ship in distress in a place of refuge. It also has to be able to ascertain as quickly as possible the actual state of the vessel, and to call upon the necessary assistance as soon as possible.

4. Fair treatment of masters and crew in the event of an accident

The trend towards treating ships' crews as criminals is not conducive to safety at sea. For fear of arrest, masters often postpone calling for help. Sometimes they try to press on in order to reach a coastal state which is more 'lenient' in that respect, thus wasting valuable time. The guidelines recently adopted within the IMO are a step in the right direction.

5. Consequences of absence of an insurance certificate or financial guarantee

First of all, vessels which have not given any notification of financial security, or do not possess an insurance certificate or financial guarantee, are regarded as a potential danger to shipping under Article 16 and are consequently to be closely monitored. Secondly, the

absence of evidence of financial security is to be a factor in the assessment and decision on accommodating a ship in distress.

Your rapporteur supports the first of these proposals. Ships without insurance should be regarded as suspect. They should be subjected to stricter checks when putting into a port and should be strongly urged to take out insurance.

However, it is not desirable that only insured vessels should be accommodated in a place of refuge. Clearly, there is a problem if assistance is given to a ship in distress which is not (fully) insured. Nevertheless, refusal to accommodate such a ship is no solution, since the financial and economic consequences could be much greater.

6. Compensation scheme for places of refuge and ports

The accommodation of a ship may give rise to damage and costs for the port in question. As we have seen, Parliament has repeatedly called in recent years for a [compensation] scheme to be devised for ports and places of refuge which accommodate a ship in distress.

The Commission makes no provision for such a system in this proposal. It considers that rules to this end should be made in the context of the proposal for a directive on the civil liability and financial guarantees of shipowners. The measures contained in that directive would in fact, in the majority of cases, be able to guarantee cover for costs and damage incurred. However, neither this directive nor the existing funds pay compensation for the economic loss which may be suffered by a port accommodating a poorly insured ship. Your rapporteur therefore calls for a compensation scheme for exceptional cases.

7. Confidentiality

This directive, and in particular its provisions regarding AIS and SafeSeaNet, give rise to a large number of confidentiality issues among interested parties, who fear that information entrusted to networks is not completely safe from commercial misuse and espionage.

Your rapporteur considers that this is a job for the Network and Information Security Agency, and proposes an amendment to Article 24 to that effect.

4.9.2006

OPINION OF THE COMMITTEE ON FISHERIES

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system
(COM(2005)0589 - C6-0004/2006 – 2005/0239(COD))

Draftsman: Willi Piecyk

SHORT JUSTIFICATION

Serious maritime accidents of recent times, most notably the sinking of the Erika and the Prestige in European waters, have clearly illustrated that these incidents often have wider implications than those merely concerning the ship involved. Many accidents have consequences for all coastal operations, such as tourism, traffic and fishing. Once the fear of seafarers alone, maritime accidents involving pollution now turn into national or even international emergencies, with little regard for international borders.

With a view to improving safety conditions and information relating to the maritime transport industry, the Commission has presented a legislative proposal to improve Directive 2002/59/EC. This Directive governs the organisation and coordination of all the ship monitoring tools now available and sets up a system of dynamic deployment of resources and coordination between national authorities to enable Member States to take better preventive action or respond better to dangerous situations.

It is a tragic fact that fishing is one of the industries carrying the highest risk to life and limb. A fisherman's work is dangerous, carried out in unstable weather conditions, with limited scope for safety precautions. The risk of accident, therefore, in the fishing profession is extremely high.

Fisheries safety and working conditions are priorities of this Committee, the own-initiative report on safety and the causes of fishing accidents drawn up by Mrs Miguelez Ramos (March 2001) being one example of the measures it has taken, the considerations and conclusions of which remain topical today.

The following analysis of the suggested amendments to Directive 2002/59/EC is limited solely to those amendments concerning the fishing industry.

In principle we are dealing with a single amendment, but one of great importance which

concerns the requirement to equip fishing vessels over 15m in length with Automatic Identification Systems (AIS), the aim of which is to make it easier to locate the position of the ships. Provisions for this at present are undeniably inadequate. The high number of fishing vessels that go undetected by merchant ships has led to many serious accidents, especially in the North Sea, the Baltic and the Mediterranean.

The obligatory installation of these safety systems, as set out in the new Article 6a, is accompanied by a schedule which aims to have ships over 24m in length fitted out by 2008 and ships over 15m in length by 2010.

Much though we agree with the proposal's intentions, namely improvements in safety standards for fishermen and their vessels, the proposal must nevertheless be carefully thought through:

1.

In the framework of fisheries policies, a large number of vessels have already been required to fit 'blue boxes' (VMS), allowing satellite monitoring of fishing activities. This poses the question of how compatible this system would be with that proposed by the Commission.

It is clear that should the AIS and VMS systems be found to be incompatible, resulting in the need for two systems to be fitted, there will be higher costs for small and medium-sized vessels, which often belong to family-run businesses already facing financial difficulties.

The equipping of fishing vessels with this system ought to be subsidised both by public and EU funding, whilst criteria such as proportionality and equality should also be considered, leading to a significant increase in co-funding for smaller vessels involved in coastal activities.

For this purpose it seems necessary to create a separate budget heading independent of the European Fisheries Fund, given that the constant increase in new demands for subsidies is putting more and more strain on both Community and Member States' budgets, resulting in increasingly limited resources for tackling important issues.

2.

The proposed timescale for the safety equipment's installation is unrealistic given the time that the legislative process alone is likely to take. It would be sensible to establish timeframes linked to the entry into force of the Directive, in order to ensure the smooth and correct installation of this equipment.

AMENDMENTS

The Committee on Fisheries calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1
RECITAL 6

(6) It would be useful to study what synergies might be possible between AIS and the positioning and communication systems used in the context of the common fisheries policy, such as the satellite-based vessel monitoring system (VMS). Investigation of the possibilities of integrating these systems should take account of the needs and requirements of controlling fishing fleets, particularly as regards the security and confidentiality of the data transmitted.

(6) It would be useful to study what synergies might be possible between AIS and the positioning and communication systems used in the context of the common fisheries policy, such as the satellite-based vessel monitoring system (VMS). ***Consequently, the timescale for the installation of the AIS system will be set in line with the conclusions of this study.*** Investigation of the possibilities of integrating these systems should take account of the needs and requirements of controlling fishing fleets, particularly as regards the security and confidentiality of the data transmitted.

Amendment 2
RECITAL 6 A (new)

(6a) New vessels must be fitted with AIS twelve months after the entry into force of this Directive. A separate budget line, independent of the Financial Instrument for Fisheries Guidance, should be created to assist with the retrofitting of the existing fishing fleet, providing co-funding, regardless of territory, of up to 90% from EU resources.

Justification

Should the AIS and VMS systems be found to be incompatible, resulting in the need for two systems to be fitted, there will be higher costs for small and medium-sized vessels, which often belong to family-run businesses already facing financial difficulties. This fact should be reflected in financial support, regardless of territory.

Amendment 3
ARTICLE 1, POINT 12, POINT (B)
Article 23, point (f), subparagraph 1 a (new) (Directive 2002/59/EC)

The conclusions of this study shall be made available no later than twelve months before the entry into force of the obligation referred to in Article 6a.

Amendment 4

ARTICLE 1, POINT 12, POINT (B)

Article 23, point (f a) (new) (Directive 2002/59/EC)

(fa) studying and implementing procedures that will more effectively guarantee the confidentiality of information gathered.

Justification

The confidentiality of fishing locations has traditionally been crucial for the fishing fleet and must be guaranteed under the relevant European legislation.

Amendment 5

ARTICLE 1, POINT 12, POINT (B)

Article 23 (Directive 2002/59/EC)

(b) the following points (e) **and** (f) are added:

(b) the following points (e), (f) **and (fa)** are added:

Justification

The confidentiality of fishing locations has traditionally been crucial for the fishing fleet and must be guaranteed under the relevant European legislation.

Amendment 6

ARTICLE 1, POINT 15

Annex II, Section I, point 3, indent 1 (Directive 2002/59/EC)

- fishing vessel of overall length of 24 metres and upwards but less than 45 metres: not later than **1 January 2008**;

- fishing vessel of overall length of 24 metres and upwards but less than 45 metres: not later than **two years after the entry into force of this Directive**;

Justification

The proposed timescale for the safety equipment's installation is unrealistic given the time that the legislative process alone is likely to take. It would be sensible to establish timeframes linked to the entry into force of the Directive, in order to ensure the smooth and correct installation of this equipment.

Amendment 7
ARTICLE 1, POINT 15
Annex II, Section I, point 3, indent 2 (Directive 2002/59/EC)

- fishing vessel of overall length 18 metres and upwards but less than 24 metres: not later than **1 January 2009**;

- fishing vessel of overall length 18 metres and upwards but less than 24 metres: not later than ***three years after the entry into force of this Directive***;

Justification

The proposed timescale for the safety equipment's installation is unrealistic given the time that the legislative process alone is likely to take. It would be sensible to establish timeframes linked to the entry into force of the Directive, in order to ensure the smooth and correct installation of this equipment.

Amendment 8
ARTICLE 1, POINT 15
Annex II, Section I, point 3, indent 3 (Directive 2002/59/EC)

- fishing vessel of overall length exceeding 15 metres but less than 18 metres: not later than **1 January 2010**."

- fishing vessel of overall length exceeding 15 metres but less than 18 metres: not later than ***four years after the entry into force of this Directive***."

Justification

The proposed timescale for the safety equipment's installation is unrealistic given the time that the legislative process alone is likely to take. It would be sensible to establish timeframes linked to the entry into force of the Directive, in order to ensure the smooth and correct installation of this equipment.

Amendment 9
ARTICLE 1, POINT 15
Annex II, Section I, point 3, indent -1 (new) (Directive 2002/59/EC)

- ***new vessels: not later than twelve months after the entry into force of this Directive***;

Justification

It seems appropriate to give manufacturers of fishing vessels a reasonable period of time, linked to the entry into force of the Directive, to fit new vessels with AIS.

PROCEDURE

Title	Proposal for a directive of the European Parliament and of the Council amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system
References	COM(2005)0589 – C6-0004/2006 – 2005/0239(COD)
Committee responsible	TRAN
Opinion by Date announced in plenary	PECH 2.2.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Willi Piecyk 31.1.2006
Previous drafts(wo)man	
Discussed in committee	23.2.2006 11.7.2006
Date adopted	28.8.2006
Result of final vote	+: 17 –: 0 0: 0
Members present for the final vote	Iles Braghetto, Luis Manuel Capoulas Santos, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Alfred Gomolka, Heinz Kindermann, Henrik Dam Kristensen, Albert Jan Maat, Philippe Morillon, Willi Piecyk, Dirk Sterckx, Struan Stevenson, Margie Sudre
Substitute(s) present for the final vote	Dorette Corbey, Carl Schlyter
Substitute(s) under Rule 178(2) present for the final vote	Alfonso Andria
Comments (available in one language only)	

PROCEDURE

Title	Community vessel traffic monitoring and information system			
References	COM(2005)0589 - C6-0004/2006 - 2005/0239(COD)			
Committee responsible Date announced in plenary	TRAN 17.1.2006			
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 17.1.2006	PECH 2.2.2006		
Not delivering opinions Date of decision	ENVI 30.1.2006			
Rapporteur(s) Date appointed	Dirk Sterckx 21.3.2006			
Discussed in committee	19.4.2006	13.9.2006	23.1.2007	27.2.2007
Date adopted	27.2.2007			
Result of final vote	+: 44 -: 0 0: 1			
Members present for the final vote	Gabriele Albertini, Inés Ayala Sender, Etelka Barsi-Pataky, Paolo Costa, Michael Cramer, Luis de Grandes Pascual, Arūnas Degutis, Christine De Veyrac, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Emanuel Jardim Fernandes, Mathieu Grosch, Georg Jarzembowski, Stanisław Jałowiecki, Timothy Kirkhope, Dieter-Lebrecht Koch, Jaromír Kohlíček, Rodi Kratsa-Tsagaropoulou, Sepp Kusstatscher, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Erik Meijer, Seán Ó Neachtain, Josu Ortuondo Larrea, Willi Piecyk, Luís Queiró, Luca Romagnoli, Gilles Savary, Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Silvia-Adriana Țicău, Georgios Toussas, Marta Vincenzi, Lars Wohlin, Roberts Zile			
Substitute(s) present for the final vote	Johannes Blokland, Philip Bradbourn, Jeanine Hennis-Plasschaert, Anne E. Jensen, Rosa Miguélez Ramos, Corien Wortmann-Kool			