



## Maritime package: Parliament still at odds with Council

**In a series of reports at second-reading on the third maritime package, the Parliament deplores the fact that over a year after its first reading vote in April 2007 on proposals to protect Europe against maritime accidents and pollution, Member State transport ministers are still blocking two areas namely on flag state obligations and civil liability and have not taken up most of Parliament's recommendations on the other issues.**

MEPs urge the French Presidency to find a solution as soon as possible so as to avoid a probable conciliation procedure.

### **Maritime safety always a priority of the Parliament**

Maritime safety has traditionally been a European Parliament priority. Under the previous two maritime safety packages (known as Erika I and Erika II), adopted in the wake of the Erika and Prestige oil-spill accidents, the EU adopted substantive maritime safety and security legislation. This provided for ship inspections in port, banned the use of single-hull vessels to transport oil, and created the European Maritime Safety Agency EMSA.

### **What the third package includes**

The third package includes provisions on flag states' obligations, the inspection regime in EU ports, places of refuge for ships in distress, passenger protection standards, insurance obligations, classification societies and civil liability issues. It aims to create healthy and sustainable competitive conditions for those operators which comply with international rules.

### **All key amendments from first reading reinserted and adopted**

In the debate, Members stressed that they did not want Council to water down important suggestions on port state control, on a Community vessel traffic monitoring system, accident investigation, ship inspections and survey organisations and, finally, on the liability of boat passenger carriers in the event of accidents. Therefore, they had reinserted all key amendments from first reading, approving them almost unanimously.

### **Two "missing files"**

MEPs had also inserted key amendments from the two "missing files" on flag state obligations and civil liability into the reports on port state control, the vessel traffic monitoring system and ship inspections and survey organisations. By adopting these amendments with an overwhelming majority as well, they gave a clear political signal to the Council that these two files should not be forgotten. The French Presidency of the Council should take up work on these dossiers which was stopped under the work of its

predecessor, MEPs said.

## **Flag state obligations**

The two proposals have met strong opposition in Council, mainly because of the touch upon the sensitive issue of national competence. The Commission had proposed that the various International Maritime Organisation conventions on flag state obligations should be turned into binding EU legislation and that the Member States must be required to monitor compliance with international standards by ships that fly their flags. Council strongly opposes this directive, believing that the Community is not competent to take action in this field and arguing that these matters should be left into international law.

## **Civil liability**

At present, for most damages by ships to third parties, civil liability regimes for ship-owners in Europe are not harmonised and no compulsory insurance scheme exists. Parliament is strongly in favour of the Commission proposal which seeks to put in place "core" rules, common to all Member States, governing civil liability, insurance for ship-owners and the liability of any person responsible for operating a ship. This should be done by incorporating the IMO convention on the Limitation of Liability for Maritime Claims (LLMC) into EU law.

## **This morning's vote**

### **A Community vessel traffic monitoring and information system (Rapporteur: Dirk Sterckx, ALDE, BE)**

Parliament amendments reinserted on the designation of an independent competent authority for the accommodation of vessels in distress were adopted. Successive disasters and near-disasters had shown that much time is often wasted because it was not clear who was responsible for what. The House is in favour of setting up a competent authority with the independent expertise to decide, should an accident occur, on the best course of action to avoid a disaster. In the event of an accident, masters and crews should get a fair treatment and not to be criminalised.

Members also pointed out that absence of evidence must not be a factor in assessing and deciding whether to accommodate a ship in distress, and accommodation in a place of refuge should not be restricted to insured vessels.

### **Investigation of accidents (Rapporteur: Jaromir Kohlicek (GUE/NGL, CZ)**

The House also adopted all amendments re-tabled in order to re-establish Parliament's position in first reading. Most importantly, Members want that safety investigations of serious accidents - and not only of "very serious" accidents as Council is proposing - remain mandatory. Finally, it is essential that Member States apply a common methodology in investigating accidents.

### **Port state control (Rapporteur: Dominique Vlasto (EPP-ED, FR)**

Parliament amendments reveal disagreement with the Council on the frequency of inspection of vessels in various risk categories, the inspection rate target which national authorities would be required to meet and the fact that the Council wants to exclude vessels calling at offshore anchorages from inspection requirements, whereas Parliament wants them included. Finally, when ministers want a ban on substandard vessels using EU ports to be temporary, the House wants it to be permanent.

### **Liability of carriers of passengers by boat in the event of accidents (Rapporteur: Paolo Costa (ALDE, IT)**

Amendments reflecting first reading were adopted on the Regulation on the liability of boat carriers in the event of accidents, which transposes the Athens Convention. They extend the scope of the Regulation to all

domestic carriages by sea, where the Council wants to remain the scope only to bigger A-class ships, and guarantee the application of EUR 21 000 advance payment to permanent invalidity and severe injuries, what the Council rejected.

## **Ship inspection and survey organisations (Rapporteur: Luis de Grandes Pascual (EPP-ED, ES))**

Classification societies are private sector organisations to which flag states delegate some inspection functions. Here, the main disputes with Council with the Council are over the name of the new body or system for assessing and certifying these societies and the liability of recognised organisations when carrying out work on behalf of a Member State. Amendments to restore the key elements of the missing proposal on flag state control were also adopted.

### **What happens next?**

Since the House adopted the third package on maritime safety with a large majority and including elements of the two missing files, the House indicated that the two missing files on flag state obligations and civil liability should no longer be blocked by Council if an agreement on the whole package can be concluded. It is now up to the Transport Ministers to act. Parliament wants a clear formal signal that substantial progress on the whole package should be made and therefore expressed its willingness to resume negotiations in an informal trilogue. This means that a conciliation procedure could start on 7 October.

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