

MSUO Maritime Safety Projects Fair, Antwerp, 5th of June

"The Monitoring Directive "
by Dirk Sterckx, Member of the European Parliament

BACKGROUND

- The successive disasters of the Erika (1999) and the Prestige (2002) were needed to wake up policy makers. This led to the maritime safety packages of the EU.
- March 2000: 1st package of Commission proposals on maritime safety (Erika I)
 - Port state control
 - Tighten up the control on Classification societies
 - Phasing out of single hull tankers
- December 2000: again 3 Commission proposals
 - Foundation of EMSA (=European Maritime Safety Agency)
 - European Fund for compensation of oil damage: proposal has been replaced by international regulation
 - **Monitoring directive**
- In the debate on the monitoring directive, I argued for:
 - compulsory insurance for ships
 - 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.

? package approved in June 2002, entry into force: February 2004

- November 2002: disaster with Prestige => 77.000 ton of crude oil escaped to pollute - mainly Spanish - coast

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.

- Reaction of EP:
Adopted two successive resolutions and decided to set up a Temporary Committee on Improving Safety at Sea (MARE)
=> MARE-report

- November 2005: 3rd maritime package: Erika III
 - Strengthening classification directive
 - Strengthening port state control
 - Liability of carriers of passengers by sea and inland waterways in the event of accidents
 - Investigation of accidents
 - Flag states: respect of the IMO rules
 - The civil liability and financial guarantees of ship-owners
 - **Monitoring Directive**: establishing a Community vessel traffic monitoring and information system => I am the Rapporteur in the transport committee in the European Parliament

MONITORING DIRECTIVE

- Commission proposal
 - Tightening policy in 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
 - Use of AIS to be made compulsory for fishing vessels > 15 meter
 - Tightening of the shipper's obligation to provide information

- My point of view as adopted in the transport committee in the European Parliament (February 2007):
 - Introduction of AIS for fishing vessels:
 - Good idea
 - Less stringent timetable
 - Problem of confidentiality
 - Vote in TRAN Committee: obliged from > 24 meters
 - Fair treatment of masters and crew in the event of an accident
 - IMO guidelines need to be implemented
 - Consequences of absence of an insurance certificate or financial guarantee
 - Stricter control + ships should be strongly urged to take out insurance
 - But: no insurance may not lead to no accommodation
 - Designation of an independent competent authority
 - Good example: British Secretary of State Representative(SOSREP)
 - Compensation scheme for places of refuge and ports
 - Member states should ensure the costs and economic loss not covered by the Directive on civil liability and financial guarantees of ship-owners
 - SafeSeaNet

- In April 2007: vote in plenary session in European Parliament on my report
 - Large majority approved the report
 - Vote on important points is same as vote in TRAN committee
 - What's new?
 - AIS for fishing vessels with a length of more than 24 meters
 - All ships carrying bunker fuel should send information on characteristics and quantity to the coastal state, in original directive: only obliged for ships with more than 5000 ton of bunker oil on board
 - The vote showed the unanimity of the European Parliament concerning the improvement of the safety at sea. I hope that all member states are willing to implement an efficient system for assistance.