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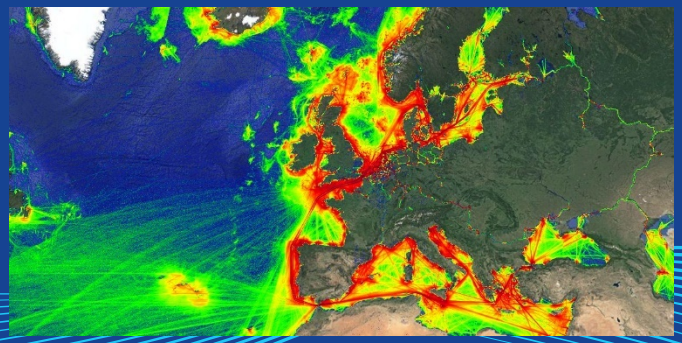
DG MOVE and maritime safety - EU Maritime Safety Initiatives

PA SAFE

Importance of maritime transport

- Europe has a 70,000 km coastline along two oceans (Atlantic, Arctic) and four seas (Baltic, North Sea, Mediterranean, and Black Sea)
- More than 80% of world trade is carried by sea; 90% of EU external trade; 40% of EU internal trade (short sea shipping)
- EU's maritime regions account for about 40% of its GDP and its population; more than 400 million sea passengers pass through EU ports each year

Maritime transport is vital for Europe's economy and has a direct impact on the quality of life of citizens



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EU Maritime Safety Policy

Why it matters

- Avoid maritime disasters like the 'Estonia' (1994, 852 fatalities), 'Erika' (1999), 'Prestige' (2002, > € 2.5 billion) and 'Costa Concordia' (2012, 32 fatalities, > €1.5 billion)

- EMSA ANNUAL OVERVIEW OF MARINE CASUALTIES AND INCIDENTS 2014-2019 (reporting 2019):
  - **2904** accidents and incidents reported (EU flagged ships or EU waters)
  - **49** fatalities, 'crew' and 'passengers'
  - **917** persons injuried
  - **37** pollution events
  - **17** ships lost

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EU Maritime Safety Policy

Principles, objectives and responsibilities (1/2)

The EU and its Member States have been at the forefront of improving maritime safety legislation and promoting **high-quality standards**

- **Priority areas:**

- **Eliminate substandard shipping** in EU waters
- Increase **protection of crews and passengers**
- Reduce **environmental pollution**
- Ensure **good operators** do not face commercial disadvantage
- Promote international **competitiveness** of EU shipping
- Improve EU transport **efficiency**

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EU Maritime Safety Policy

Principles, objectives and responsibilities (2/2)

These objectives are pursued mainly through a **convergent application of rules and standards agreed at international level**

- **Harmonised rules** >> discharge of Member States' international obligations in an effective and coordinated way
- **More uniform application** >> incorporation of IMO rules in the EU legal order make them enforceable by the Commission (guardian of the Treaties) and before the **European Court of Justice**
- **Member States = Contracting Parties** to IMO conventions as **Flag States** (1st line of defence), **Port States** (2nd line of defence) and **Coastal States**

EU Maritime Safety Policy

Policy development

Started in 1992 with the Communication *"A common policy on safe seas"* + so-called legislative **Maritime Safety Packages I, II and III** + other specific legislations (some 30 main pieces currently in force)

EU Maritime safety package "ERIKA I"

- Port state control
- Classification societies
- Phasing out of single hull tankers

EU Maritime safety package "ERIKA II"

- Vessel traffic monitoring
- Compensation fund for oil spills in EU waters
- European Maritime Safety Agency (EMSA)

EU Maritime safety package "ERIKA III"

- Flag States
- Classification societies
- Vessel traffic monitoring
- Accident investigation
- Passenger carrier liability
- Shipowner insurance

EU Maritime Safety Policy

IMO Instruments Implementation (III) Code

- *'…the ultimate effectiveness of any instrument depends, inter alia, upon all States:*

(a) becoming party to all instruments related to maritime safety, security and pollution prevention and control;

(b) implementing and enforcing such instruments fully and effectively;…'

Key legislation - overview

To cover the entire chain of responsibility

- **Flag State & Recognised Organisations**
- **Port State Control**
- **Accident investigation**
- **Maritime surveillance**
- **Working conditions, training & qualification of seafarers**
- **Insurance, liability and compensation**
- **Passenger ship safety**
- **Marine equipment**
- **Pollution prevention & environmental issues**
- **…**

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EMSA mandate and activities

Founding Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency, as last amended in 2013

- **Decentralised Agency** established in the wake of the ERIKA accident to provide assistance to the Commission and Member States
- *Ensuring a high, uniform and effective level of maritime safety, maritime security, prevention of, and response to, pollution caused by ships as well as response to marine pollution caused by oil and gas installations*
- **Technical assistance** (visits and inspections, training & technical assistance >> including to EU neighbourhood partner countries)
- **Operational tasks** (anti-pollution stand-by network, integrated maritime services)

http://www.emsa.europa.eu/

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Key legislation - Recognized Organisations

Regulation (EC) No 391/2009 and Directive 2009/15/EC on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations

- **EU wide recognition** granted and monitored by the Commission
- **"Flag-blind" recognition and assessment criteria** covering class and statutory certification
- **Bilateral authorisation agreements** between MS (in their capacity as flag States) and ROs
- Independent certification of ROs' **quality management system**
- **Commission's enforcement powers** >> monitoring, fines, penalties, withdrawal of recognition

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Key legislation - Seafarers/human element

STCW >> Directive 2008/106/EC on the minimum level of training of seafarers amended by Directive 2012/35/EU (Manilla); Council Directive 79/115/EEC concerning pilotage of vessels by deep-sea pilots in the North Sea and English Channel; Directive 2005/45/EC on the mutual recognition of seafarers' certificate issued by the Member States and amending Directive 2001/25/EC

- **ILO Maritime Labour Convention** (MLC)
- Ratification by Member States
- Incorporation of MLC in EU law (DG EMPL, agreement between social partners)
- Enforcement through EU maritime safety legislation 'Flag State' and 'Port State'

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Key legislation – Vessel Traffic Monitoring

Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (as amended)

- **SafeSeaNet (SSN):** information exchange system to enhance safety of navigation (cargo, passengers, vessels); improve response to accidents and pollution detection
- **Tools**: pre-arrival notification (dangerous goods), Automatic Identification Systems (AIS), Long-Range Identification and Tracking of ships (LRIT), Voyage Data Recorder (VDR)
- **Ships in distress/need of assistance**>> EU operational guidelines on places of refuges
- Governance >> **High Level Steering Group** >> Commission Decision (EU) 2016/566 of 11 April 2016 (repealing 2009/584/EC)

Key legislation - Flag State responsibilities

Directive 2009/21/EC on compliance with flag State requirements

- Ensuring that MS **discharge their obligations** - derived from International conventions - as flag states
- Maritime Administrations of EU Member States must take part in an **IMO audit** at least every 7 years
- **Certified quality management system** for the operational parts of the flag State-related activities of each national administration
- EU MS on the **black or grey lists of the Paris MoU** shall provide the Commission with a report on their flag State performance

Key legislation – Port State Control

Directive 2009/16/EC on Port State Control

- **Paris MoU** (22 coastal MS + Iceland and Norway + 2 third countries: Canada and Russia (27 members in total)). New **Inspection Regime** (ship risk profiles)
- **THETIS** database (hosted by EMSA)
- Detentions (grey/black lists) >> **banning from EU ports**

Maritime Fitness Check

The **main goal –** to check if the legislation is 'fit for purpose'!

Covered EU legislation related to Flag, Port and Coastal State = Flag State Directive, including Accident Investigation; Port State Control Directive; Vessel Traffic Monitoring

Information can be found on DG MOVE homepage!

Main Outcome

- Firstly the EU layer of legislation is **needed to ensure enforcement and uniformity**, contributing to a higher level of maritime safety and maritime transport efficiency as well as guaranteeing a level playing field between Member States.

- Secondly there is **added value associated with EMSA**. The Agency's systems and databases, its training and capacity-building activities and the administrative bridge it creates between the national maritime authorities and the Commission.

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Main Outcome

- Thirdly the capacity of Member States to fulfil their international obligations as a flag, port or coastal State in relation to the various directives appears to be **under strain**. There is a growing concern at national level over recruitment and retention of staff and Member States are struggling with the need to maintain resources.

- Fourthly the **potential as well as the challenges of digitalisation** is a horizontal issue. EMSA tools facilitate monitoring and enforcement reducing the burden on national administrations, other EU agencies and private operators.

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These common issues call for the following recommendations:

- Maintain the EU layer and Reinforce that layer in relation to the FSD which is no more consistent with the relevant IMO instrument (this includes looking at the way flag State performance may be measured). Same for PSC and AI.

- Develop further the role of EMSA – the competence centre - Explore with Member States the avenues for a better use of resources at national and EU level, taking a holistic view regarding the various inspection and survey obligations, building on the role and support provided by EMSA and exploiting efficiency gains offered by digitalisation.

Next steps

- The Commission has started work on an impact assessment for revising legislation and to make proposals for FS, AI and PSC; likely to come out 2021/2022.
- The alignment with IMO rules is a key factor, but the needs of the Union are fully taken into account.
- Continued enforcement is called for by all!

Future Challenges

- The policy is developing while finding a balance between facilitation, implementation and enforcement with the clear aim to 'reward' quality shipping.
- And to put it all into the Green Deal!
- EU is working towards a **safe, secure and sustainable maritime space without barriers**!

Future Challenges

- EU Green Deal
- Autonomous ships/MASS!
- Shipping as a strategic necessity or simply a service?

- The proposed EU Budget
- Migration issues
- Disruptions: **COVID-19**, Sanctions, BREXIT, World trade

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THANK YOU

Disclaimer :
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