

Maritime safety: establishing a Community vessel traffic monitoring and information system

2005/0239(COD) - 06/06/2008 - Council position

The Council's common position which was adopted unanimously accepted 4 amendments, in total or in part, proposed by the European Parliament in 1st reading which aim to improve or clarify the text of the proposed directive. However, other European Parliament amendments were not incorporated in the common position. Although the Council shares the overall objective of the proposal with the Commission, it made the following adjustments:

Use of automatic identification systems (AIS): the use of automatic identification systems (AIS, class A) by fishing vessels with an overall length of more than 15 metres, which is one of the main feature of the amended directive, was accepted by the Council. Nonetheless, the Council considers that it is necessary to clearly identify to which vessels this obligation applies. Furthermore, the Council accepted the European Parliament's amendment 17, and consequently, reference is made in the directive to the IMO Resolution A.917(22) (Guidelines for onboard use of AIS).

Moreover, the Council reviewed the implementation timetable (annex II(I)) proposed by the Commission in order to make sure that the time constraints are practically feasible for the concerned parties. In the Council's opinion, it is necessary to indicate that the shipping vessels equipped with AIS shall maintain it operational at all times except in some particular cases.

Accommodation of ships in places of refuge: the Council is of the opinion that, as regards the accommodation of ships in places of refuge, Member States should apply the IMO guidelines on places of refuge for ships in need of assistance (IMO Resolution A.949(23)) that stipulate that the Member State has the right to admit or to refuse the access of a vessel to a place of refuge. The Council's modification of the Commission's proposal makes clear that the acceptance or refusal of a ship in need of assistance in a place of refuge shall be the subject to a prior assessment of the situation carried out on the basis of the plan for the accommodation and a decision taken by the competent authority. For the Council, it is necessary to ensure that the plans for the accommodation will be prepared on the basis of the IMO Resolutions A.949(23) (IMO Guidelines on places of refuge for ships in need of assistance) and A.950(23) (Maritime Assistance Services).

Furthermore, the Council, contrary to the Commission, is of the opinion that the plans for accommodation of ships in need of assistance should contain information on the coastline of the Member States, which should assist the assessment of a ship in need of assistance in a place of refuge. Related to the communication of these plans to neighbouring Member States, the Council introduced the possibility for Member States to impose confidentiality.

Another issue raised in the discussions within the Council bodies, in relation to the accommodation in places of refuge, was the role of "the competent authority". The Council added an additional definition of "competent authority" aiming at a better understanding of this term and describing the role of the competent authority. The objective of the Council is to leave sufficient flexibility to Member States in order to organise their competent authority, taking also due account of their internal administrative and organisational structures.

Other issues: the Council further modified the Commission's proposal, in particular regarding measures in the case of ice conditions. On this matter, it was spelled out that the competent authorities should proceed without prejudice to the duty of assistance and to relevant international rules.

With regard to the proposed provision on financial guarantees establishing the possibility for Member States to request an insurance certificate or a financial guarantee to the ship's operator, the Council considers it inappropriate to refer to another Commission's proposal being examined in the framework of the codecision procedure (proposal on the civil liability and financial guarantees of shipowners).

In relation to the entry into force of the amended directive, the period granted to Member States in order to bring into force the national implementation measures for this draft directive was extended from 12 months to 18 months.

Concerning SafeSeaNet, the Council's common position includes a provision, on the basis of the European Parliament's amendment 65, according to which the Commission shall ensure that SafeSeaNet is operational on a 24 hours-a-day basis.