

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

2005/0239(COD) - 08/12/2008 - Commission opinion on Parliament's position at 2nd reading

The Commission accepts in full 27 amendments to the common position, adopted by the European Parliament in first reading. These are amendments which:

- improve the Commission proposal on the question of places of refuge, as regards the plans for accommodating vessels in places of refuge and insurance;
- relate to the establishment of the LRIT European Data Centre for the long-distance tracking of vessels, the SafeSeaNet maritime data exchange network, fair treatment of seafarers, navigation in ice conditions, and requirements concerning the shipment of dangerous goods;
- relate to comitology, correlation tables and the entry into force of the Directive;
- incorporate elements of the proposal for a directive on civil liability and insurance for shipowners, another part of the Third Package which, on the date of the second reading by the European Parliament, had not yet been approved by the Council.

The amendments partially accepted by the Commission are as follows:

- amendments on the compensation for economic losses suffered by ports which accommodate vessels in distress. The Commission fully supports one of the objectives, which is to stress how important it is that the Member States ratify and/or implement international conventions on compensation for pollution damage. However, the obligation on Member States to reimburse all the costs and compensate for the damage resulting from a decision to accommodate a vessel is excessive and poses legal and practical problems. In the view of the Commission, it is desirable that Member States have a legal framework in place that allows for compensation for such damage whenever necessary;
- an amendment intended to oblige the Member States to comply with the IMO guidelines on fair treatment of seafarers. In the view of the Commission, Member States should take the guidelines into consideration, but it would be difficult to envisage making them compulsory in Community law, given that they relate essentially to questions of judicial and criminal procedure, and are not directly connected to the objectives of the Directive;
- an amendment on the scope of the comitology procedure.

Lastly, the Commission accepted in principle and/or subject to rewording, amendments on:

- incorporating AIS systems for short-distance monitoring of vessels into VMS systems used for fisheries control;
- the decision-making process for the accommodation of vessels in places of refuge and 'place of refuge' plans;
- the establishment of the LRIT European Data Centre for the long-distance tracking of vessels flying the flag of an EU Member State and operating off the EU coast;
- the confidentiality of information obtained under the Directive, whether relating to information sent by vessels using AIS or LRIT systems, or information circulated among Member States using the SafeSeaNet maritime data exchange network;
- enabling the development of the constituent parts of the SafeSeaNet maritime data exchange network within the content of Annex III to the Directive;
- the use of information obtained under the Directive for the purposes of maritime safety;

- strengthening checks on compliance with building and maintenance requirements for navigation in ice filled waters;
- obliging vessels to inform the coastal authorities of the quantity of bunker fuel, irrespective of the volume on board;
- strengthening the provisions of the Directive relating to the information to be provided by the shipper when dangerous or polluting goods are offered for carriage;
- alleviating the burden on scheduled services using Community ports to provide notifications of entry into port.

No amendments were rejected.