Maritime safety: monitoring, control and information for traffic, package Erika II (repeal. Directive 93/75/EEC)

2000/0325(COD) - 19/12/2001 - Council position

The Council agreed unanimously to a common position on the establishment of vessel traffic monitoring and information in the Community. The final text of the common position reflects to a large degree that submitted to it by the Commission and taking on board many, though not all, Parliamentary amendments. The main thrust of the Council's amendments are to clarify Member States' obligations and to improve the response of national authorities to accidents in potentially dangerous situations. This involves in particular measures to detect and prevent pollution by ships. Many core Parliamentary amendments have been taken on board and include: - The obligation of any ship calling at a Member State port to be fitted with an AIS system. - The exchange of information obtained in the context of ships' routing systems. - Definition of the detailed arrangements for accommodation of ships in distress taking into account the work of the IMO on the subject. - The need for an evaluation of the Directive's application. Concerning the question of procedures in the event of exceptionally bad weather the Council adopted a text similar to that of the Parliament. On this matter therefore the text of the common position specifies: - Respect for the decision-making autonomy of the master of the ship once he has been duly informed of weather conditions. - The possibility for Member States to make recommendations or take other appropriate measures without prejudice to the final decision of the master. - The use of weather forecasts provided by a qualified meterological information service and recognised as the basis for recommendations or other appropriate measures. On the more sensitive question of the fitting of voyage data recorder system (VDRs) or the "black box" the Council has opted for a third course whereby a solution should be sought within the context of the IMO. In the absence of a decision being taken within the IMO all vessels should be fitted with a VDR system, including existing cargo ships, prior to 1 January 2008. The data collected through the VDR system should be used in investigations following accidents at sea. Finally, the Council agreed to some new elements to the text of the Directive. They are: - An obligation on Member States to monitor and to take all necessary and appropriate measures to ensure that the requirements of the Directive are met by those involved in maritime transport. - Clarification of provisions on the different sets of equipment: automatic identification systems (AIS); ships' routing systems; vessel traffic services (VTS); voyage data recorder systems (VDR). - Clarification of information obligations on ships deemed a potential hazard to shipping or a threat to maritime safety, the safety of individuals or the environment. - Respect for the subsidiarity principle with reference to sanctions applicable in the event of breach of national provisions.