

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 21/03/2000 - Legislative proposal

PURPOSE : to present the proposal for a Directive of the European Parliament and of the Council amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control). **CONTENT** : since Directive 95/21/EC was adopted, substantial efforts have been made - particularly under the auspices of the Paris Memorandum of Understanding on Port State Control - to improve the uniformity and efficiency of inspection procedures. However, important disparities still remain within the Community and ships that pose a high risk to the environment are not inspected with sufficient rigour when they call at European ports. The reasons that have led the Commission to propose amending the Directive include the following: - several Member States are still failing to comply with the 25% threshold laid down in the Directive for inspections of individual ships; - the target factor system developed in the framework of the Paris MOU and made mandatory by the Directive is not being applied in a satisfactory manner; - examination of the reports on the inspections carried out before the sinking of Erika seem to show that the expanded inspections conducted in application of the Directive were not always performed with the necessary rigour. Furthermore, it has not been possible from this examination to verify the extent to which the guidelines in Annex V were followed and what checks were made. The Commission therefore proposes a number of measures designed to improve and strengthen the inspection regime laid down in the Port State Control Directive. The following amendments are proposed: 1) banning manifestly sub-standard ships from European waters; 2) obligation to inspect ships posing a high risk to maritime safety and the marine environment; 3) follow-up to the result of the inspections; 4) informing the flag State and the classification societies; 5) verification of the financial guarantee covering the pollution risk; 6) transparency of information on the ships inspected or detained in accordance with the Directive; 7) monitoring application of the Directive and assessing the performance of Member States. In addition, Article 17 of Directive 95/21/EC stipulates that Member States must provide certain information on the number of inspectors to Port State control and the number of individual ships entering their ports in a representative calendar year. This information enables the Commission to verify the compliance with the 25% threshold for inspections laid down in Article 5(1), but it is not enough to carry out a detailed examination of the proper application of the Directive's provisions, which is its duty under the treaty, and to initiate, where necessary, infringement proceedings against defaulting Member States. Consequently, possible lax practices in certain Community ports are not detected and the risks of varying safety standards and distortion of competition between ports persist. The Commission therefore proposes increasing the frequency for transmission of this data (annually rather than every three years as at present) and adding new items to the list of information to be submitted to the Commission. A new Annex is added to the Directive, requiring Member States to provide detailed information to the Commission on movements of ships in ports, classified according to various criteria (age, flag, size, etc.).