

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

2000/0065(COD) - 13/12/2000 - Modified legislative proposal

During its 30 November 2000 Plenary Session, the European Parliament approved, subject to a number of amendments, the Commission's proposal for a European Parliament and Council Directive 95/21/EC on port state control. The European Parliament agrees with the main elements of the Commission's proposal: to make the inspection regime of certain potentially dangerous ships mandatory rather than discretionary, to tighten the measures against manifestly substandard ships and to ensure an improved implementation of the Directive provisions. However, the Committee on Regional Policy, Transport and Tourism has formulated several amendments in view of integrating the Commission's proposal and make stricter the provisions concerning the refusal of access measure and the implementation of the Port State Control. On the basis of these amendments which have been adopted by the European Parliament, the Commission proposes to introduce some new elements to its original text. The Commission is prepared to incorporate those suggestions and amendments aiming at sending a stronger signal to substandard operators and negligent flag States to the extent that the coherence with the Law of Sea, the International Convention, other European legislative initiatives and the scope of the port state control Directive itself is not affected. The control carried out by the State of the port is solely intended to verify whether the ship complies with the international requirements and not to indirectly impose additional equipment. For these reasons the Commission cannot accept the proposal to ban from the European ports all the ships that are not equipped with the voyage data recorder (VDR) since under international law only certain categories of vessels are required to be equipped with a VDR. In addition, this is not coherent with another adopted amendment proposing that - under the inspection activity - the failure to be equipped with Voyage data recorder (insofar as required) should be considered as a serious deficiency that merits to be rectified before the departure of the vessel. The Commission further wishes to avoid measures that would be disproportionate in comparison to the principles and the goals of the port state control. For these reasons the Commission cannot accept the proposal to ban all ships, irrespective of their detention history, solely because they are flagged to a State on the Paris MOU list of flags with a detention record above the average (black-list). Moreover, the Commission cannot accept the statement that the banning measures should also cover the transit in the territorial waters and the above statement on the risk posed by ships flagged to a State appearing in the very high risk section of the Paris MOU black-list. The Commission agrees with the Parliament on the need to strongly commit Member States to create appropriate PSC bodies both in terms of quantity and quality and to ensure a regular information on the implementation of Port State Control. It finally considered that the control ensured by the Port State Control should pay particular attention to the compliance with the VDR requirement.