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

2000/0325(COD) - 12/10/2001 - Modified legislative proposal

On the basis of the amendments approved by Parliament in plenary the Commission has modified its original proposal taking on baord chages recommend by Parliament. Outlined below are the changes which have been incorporated into the proposed Directive: - The extension of the requirement on ships calling at a port or flying the flag of a Member State to participate in a vessel traffic service whose area of competence extends beyond the territorial waters of that State. - The need for the equipment and shore-based installations handling the information required under the Directive to be capable of relaying such information with other stations in the various Member States. - The need to complete the mandatory carriage requirement of black-boxes (voyage data recorders or VDRs) with the principle of an obligation to make use of the data collected by such equipment in case of a casualty investigation. - The principle of a recommendation addressed to all ships in a particular area not to leave port in the case of exceptionally bad weather conditions, as well as the extension of these measures in order to protect the safety of life of the crew and passangers. - The extension of the concept of a port of refuge to cover other sheltered areas. - The need to carry out an in-depth evaluation of the implementation of the Directive. However, the Commission has modified the calender proposed by the Parliament. The amendments not accepted by the Parliament are as follows: - Those which are deemed superflous, i.e recognising the Baltic Sea as an area of particular vulnerability. The Commission proposes that the coverage of Community vessel traffic should be done through a monitoring system mentioned in Article 20 (c) of the proposal rather than through the IMO. The amendment requiring ships carrying dangerous or polluting goods in transit in the high seas to notify to mandatory reporting systems on its route. An amendment proposing guidelines for ports of refuge. - The Commission considers it premature to decide questions of compensation without a proper evaluation of the legal and practical implications. - Concerning the amendment requiring the provision of specialised equipment, such as powerful sea-going tugs, the Commission holds that this should be evaluated on a case-by-case basis and not under the terms of the Directive. - The indication of the bunker capacity is rejected on the grounds that it does not give the competent authorities any precised indication of the volume of bunker oil effectively contained in the vessel. - The obligation to provide an up-to-date report of the classification society to coastal stations is similarly rejected. - The indication of the ice classification of the ship. - Anticipating a date of entry into force of the AIS system. - Concerning the retrofitting of black boxes (VDRs), the Commission has introduced two new elements, which take into account the view of the Parliament, the Council and which does not prejudice further work on this matter in the IMO. The twonew elements are: - Extending the use of data collected by VDRs to be given to Member States in times of a crisis. - Recognising the prominent role of the IMO in the adoption of standards for the retrofitting of VDRs. In the absence of a decision in the IMO, VDRs will be required on board all existing cargo ships calling at EU ports as from the dates fixed in the original Commission's proposal. In accordance with Article 250 the Commission has modified its proposal.