

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

2005/0239(COD) - 23/11/2005 - Document attached to the procedure

COMMISSION'S IMPACT ASSESSMENT

For further information regarding the context of this issue, please refer to the summary of the Commission's initial document COM(2005)0589: proposal for a Directive of the European Parliament and of the Council on amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system.

1- POLICY OPTIONS AND IMPACTS

The Commission considered four policy options.

1.1- Option 1: To do nothing at this stage. This option would allow fundamental differences of interpretation to persist with regard to certain provisions of the Directive, in particular as regards the extent of Member States' obligations concerning places of refuge.

1.2- Option 2: Let the Member States act through regional cooperation bodies (such as Helcom for the Baltic or the Bonn Agreement for the North Sea). This would mean giving up the principle of harmonised application of the Directive between the different maritime regions of the European Union. For some measures, this solution would create appreciable differences of treatment between ships without justification.

1.3- Option 3: Completely recast the Directive to take into account the results of the work done to set up the Community maritime safety information exchange system, SafeSeaNet, and to merge, in particular, certain report messages. However, considering the state of progress with transposing Directive 2002/59/EC and the opinion of most of the Member States, such a drastic review seems premature at this stage.

1.4- Option 4: Carry out a specifically targeted amendment of the Directive. After a detailed analysis of the situation, taking into account the impact of the proposed measures and in particular the urgent need for harmonisation of the Member States' different "places of refuge" procedures, a targeted amendment of Directive 2002/59/EC would seem to be the best way to make sure that it is implemented properly.

CONCLUSION: The European Commission selected Option 4. It considered that the current proposal is fully justified by the need to clarify and improve the directive in force, to take into account technological progress, to increase safety of certain categories of vessels or in certain maritime areas, and to implement the principles of the European Union's policy with respect to 'better legislation'.

IMPACTS

In view of the fact that this proposal relates to the amendment of existing legislation, the reader will find below the impacts of the options selected for each specific measure proposed.

Measure: improvement of information systems (SafeSeaNet).

The selected option would :

- guarantee the interoperability of national systems;
- facilitate future developments of the system on the basis of a common tool;
- reduce the costs for Member States by the provision of a flexible and easily accessible system (Internet).

Measure: improvement of the legal framework in relation to ‘places of refuge’.

The selected option would :

- ensure harmonised, clear and efficient application of procedures for the accommodation of ships in distress in places of refuge;
- improve the objectivity of decision-making, by means of the requirement for the independence of competent authorities;
- contribute to reducing the risks of pollution and, where appropriate, the spread of pollution.
- guarantee maritime transport operators that demands for accommodation in places of refuge will be examined and will be the subject of a decision.

Measure: obligation to have an AIS (Automatic Identification System) capability on board fishing vessels.

The selected option would :

- permit the improvement of safety at sea and a reduction in the risk of accidents involving fishing vessels and commercial vessels, and thus the consequences of such accidents (loss of human lives, pollution, etc.);
- entail equipment costs for fishing vessels which should be compensated by synergies with other equipment on board, in particular tracking and monitoring systems for fishing fleets.

Measure: navigation in icy conditions.

The selected option would :

- apply in a uniform manner to all vessels in the area under consideration;
- help to reduce the potentially disastrous environmental consequences and the significant costs arising from pollution in ice-covered areas.

2- FOLLOW-UP

Given that this proposal relates to the amendment of a directive, its implementation will follow the usual procedure of monitoring the implementation of Community law.

The proposal also provides for the application, in the framework of Directive 2002/59/EC, of the procedure relating to the Committee on Safe Seas and the Prevention of Pollution (COSS) established by Regulation 2099/2002/EC of the European Parliament and of the Council.