




Basic information	
<b>2000/0325(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Maritime safety: monitoring, control and information for traffic, package Erika II (repeal. Directive 93/75/EEC)  Amended by <a href="#">2005/0239(COD)</a> Amended by <a href="#">2005/0240(COD)</a>  <b>Subject</b>  3.20.03.01 Maritime safety	

Key players			
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>
	<div>RETT</div> Regional Policy, Transport and Tourism		STERCKX Dirk (ELDR)  24/01/2001
	<b>Former committee responsible</b>		<b>Former rapporteur</b>
	<div>RETT</div> Regional Policy, Transport and Tourism		STERCKX Dirk (ELDR)  24/01/2001
	<b>Former committee for opinion</b>		<b>Former rapporteur for opinion</b>
	<div>BUDG</div> Budgets		The committee decided not to give an opinion.
	<div>ITRE</div> Industry, External Trade, Research, Energy		VLASTO Dominique (PPE-DE)  13/02/2001
	<div>ENVI</div> Environment, Public Health, Consumer Policy		VACHETTA Roseline (GUE/NGL)  12/03/2001
Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>	<b>Date</b>
	Transport, Telecommunications and Energy	2324	2000-12-20
	Transport, Telecommunications and Energy	2374	2001-10-15
	Transport, Telecommunications and Energy	2364	2001-06-27
	Agriculture and Fisheries	2402	2001-12-19
	Environment	2321	2000-12-18
	Environment	2439	2002-06-25

European Commission	Commission DG	Commissioner
	Energy and Transport	

Key events			
Date	Event	Reference	Summary
06/12/2000	Legislative proposal published	COM(2000)0802 	<a href="#">Summary</a>
18/12/2000	Debate in Council		
20/12/2000	Debate in Council		<a href="#">Summary</a>
15/01/2001	Committee referral announced in Parliament, 1st reading		
29/05/2001	Vote in committee, 1st reading		<a href="#">Summary</a>
29/05/2001	Committee report tabled for plenary, 1st reading	<a href="#">A5-0208/2001</a>	
13/06/2001	Debate in Parliament		
27/06/2001	Debate in Council		
12/10/2001	Modified legislative proposal published	COM(2001)0592	<a href="#">Summary</a>
19/12/2001	Council position published	11367/1/2001	<a href="#">Summary</a>
17/01/2002	Committee referral announced in Parliament, 2nd reading		
21/03/2002	Vote in committee, 2nd reading		<a href="#">Summary</a>
21/03/2002	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A5-0095/2002</a>	
09/04/2002	Debate in Parliament		
25/06/2002	Act approved by Council, 2nd reading		
27/06/2002	Final act signed		
27/06/2002	End of procedure in Parliament		
05/08/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2000/0325(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amended by <a href="#">2005/0239(COD)</a> Amended by <a href="#">2005/0240(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/14837

Documentation gateway





European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0208/2001</a>	29/05/2001	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A5-0095/2002</a>	21/03/2002	

Council of the EU

Document type	Reference	Date	Summary
Council position	11367/1/2001 OJ C 058 05.03.2002, p. 0014 E	19/12/2001	<a href="#">Summary</a>

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0802 	06/12/2000	<a href="#">Summary</a>
Modified legislative proposal	COM(2001)0592 OJ C 362 18.12.2001, p. 0255 E	12/10/2001	<a href="#">Summary</a>
Commission communication on Council's position	SEC(2001)1948 	10/01/2002	<a href="#">Summary</a>
Commission opinion on Parliament's position at 2nd reading	<a href="#">COM(2002)0312</a> 	12/06/2002	<a href="#">Summary</a>
Follow-up document	<a href="#">COM(2011)0232</a> 	28/04/2011	<a href="#">Summary</a>
Follow-up document	SWD(2018)0199	16/05/2018	
Follow-up document	SWD(2018)0227	16/05/2018	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	<a href="#">CES0706/2001</a> OJ C 221 07.08.2001, p. 0054	30/05/2001	
CofR	Committee of the Regions: opinion	<a href="#">CDR0050/2001</a> OJ C 357 14.12.2001, p. 0001	13/06/2001	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

#### Final act

Directive 2002/0059  
OJ L 208 05.08.2002, p. 0010-0018

[Summary](#)

#### Delegated acts

##### Reference

[2025/2576\(DEA\)](#)

##### Subject

Examination of delegated act

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

2000/0325(COD) - 27/06/2002 - Final act

PURPOSE : to improve maritime safety and to reduce the possible environmental consequences of an accident at sea. COMMUNITY MEASURE : Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC. CONTENT : the Council adopted the Directive establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC incorporating all the amendments approved by the European Parliament at second reading; This Directive is to be seen against the background of the second Commission communication on maritime safety following the sinking of the Erika. Its purpose is to help improve maritime safety and to reduce the possible environmental consequences of an accident at sea. Achieving these objectives involves extending the declaration obligations on vessels before entering Member States' waters, the use of EDI (electronic data interchanges) and the automatic vessel identification system (AIS system), increased cooperation among Member States and closer monitoring of vessels presenting a specific risk to maritime safety and the environment. This Directive applies to ships of 300 gross tonnage and upwards, unless stated otherwise. ENTRY INTO FORCE : 05/08/2002. IMPLEMENTATION : 05/02/2004.

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

2000/0325(COD) - 28/04/2011 - Follow-up document

The Commission presents a report assessing the implementation and the impact of the measures taken according to Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system. It describes the actions taken by Member States to transpose the Directive into national legislation by 5 February 2004, and to build up shore-based installations by the end of 2007 so that data exchange between the national systems was operational at the latest one year after that, by the end of 2008.

Besides the actions taken by Member States, the Directive has been implemented at EU level by setting up an information system called SafeSeaNet. The system has been developed by the Commission in close cooperation with Member States and the European Maritime

Safety Agency (EMSA) which was established by Regulation (EC) No 1406/2002.

The report notes that key issues in the implementation of the Directive are the transposition and enforcement of the ships' notification obligations, the administrative and technical infrastructure for receiving these notifications and for monitoring vessel traffic by technical means (like Automatic Identification System (AIS)), the setting up and operation of SafeSeaNet and the ability of the authorities to intervene in the events of accidents and incidents.

Outcome of the implementing actions: the implementation of the Directive and the development of the Community vessel traffic monitoring system began in 2002. It has required a lot of legislative and technical work and substantial financial resources at Member States and EU level. The Directive is transposed into national legislation and SafeSeaNet is fully established and operational. Member States reports on the full implementation of the Directive and the EMSA inspection reports available support a general impression of the Directive being substantially implemented. Minor legal, technical and operational shortcomings and findings pointed out in the reports will be addressed by the Commission in due course.

The SafeSeaNet system gives participating countries rapid access to all important information on the movements of ships in European waters, on dangerous or polluting cargoes on board, such as oil or chemical products and on ships posing potential risk to the safety of shipping

and the environment. All 22 coastal Member States as well as Norway and Iceland are connected through their national systems to the central SafeSeaNet system. According to the EMSA data quality report there are still some technical problems in the electronic data exchange and other means, such as telephone facsimile still being used for sending some types of reports. Out of the 22 coastal Member States, 10 were transmitting all five required report types (port call, hazmat, ship position (AIS), Mandatory Ship Reporting (MRS) notifications and incident reports) electronically to SafeSeaNet in the period January-June 2010. Most of the 12 Member States that did not report fully, were failing to transmit incident reports.

The performance of SafeSeaNet is addressed both in the SafeSeaNet High Level Steering Group and in the relevant EMSA expert group which aim to solve the few remaining shortcomings. The full electronic data exchange had to be in place by 30 November 2010, in line with the transposition date of Directive 2009/17/EC, amending Directive 2002/59/EC and the Commission is currently evaluating the situation with the assistance of EMSA.

Impact on maritime safety, efficiency of maritime transport and pollution prevention: the real time information on ships and hazardous cargoes in European waters through SafeSeaNet has improved capabilities for decision making, and cooperation between Member States as well as rescue and response abilities by Member States' relevant authorities. In several Member States the tasks related to the implementation of the Directive are dealt with by more than one authority. In general the competent authorities are maritime administrations, ports, coastguard and environment authorities. Member States report that the implementation of the Directive has increased cooperation and information exchange between these national authorities.

The obligations to notify other Member States and to build shore based installations for receiving AIS information has led to improved cooperation of authorities at regional level, e.g. in the framework of regional AIS servers. According to the EMSA Maritime Accident Review 2009, the number of accidents in EU waters has significantly decreased. The number of vessels involved in accidents in EU waters was 626 in 2009 compared to 726 in 2007. The number of seafarers who lost their lives also decreased from 82 in 2007 to 52 in 2009. No major oil spill has occurred in the last 7 years.

Future developments: the implementation of the third Maritime Safety Package will further improve the monitoring of vessel traffic in European waters and the data exchange and cooperation between maritime authorities. The package incorporates international requirements on the use of long-range identification and tracking of ships (LRIT), as well as the European LRIT Data Centre in the EU legislation and introduces the use of AIS on the fishing vessels. At the same time technical developments are opening up new possibilities to further develop the monitoring systems. The data exchange pursuant to the third Maritime Safety Package, especially Directive 2009/17/EC and Directive 2009/16/EC on port State control will have a significant impact on SafeSeaNet.

Further evolution of SafeSeaNet will make the data exchange more effective and offer possibilities for even more comprehensive monitoring activities and cooperation between authorities. A concrete example of this evolution is the "Blue Belt" concept and the associated pilot project which aims at facilitating intra-EU shipping minimising administrative formalities. A core element in this concept is the use of the existing maritime transport monitoring capabilities, notably SafeSeaNet.

In the framework of the EU Maritime Transport Policy the e-Maritime initiative aims at using advanced information and communication systems to support working and doing business in the maritime sector. It will focus on promoting interoperability of systems used by maritime authorities, ports and industry. The e-Maritime initiative will build on existing systems; the most central of these is SafeSeaNet.

The integrated maritime surveillance initiative in the framework of the Integrated Maritime Policy aims at creating a common information sharing environment by interlinking user communities, including the military. In this cross-sectoral initiative, SafeSeaNet will have a key role by providing data from the maritime transport sector.

## **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 meteorological 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.

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

2000/0325(COD) - 12/06/2002 - Commission opinion on Parliament's position at 2nd reading

Parliament adopted nine amendments to the common position of the Council at the second reading. The Commission accepts all the amendments proposed by the European Parliament. These refer in particular to: 1) the ban on leaving port in bad weather : these amendments introduce the following elements: - greater clarity in the wording of the common position. - indication that the measures taken by the authorities may include a refusal to allow a ship not only to leave a port but also to enter a port. - obligation on the captain to inform the authorities of the decision taken. - obligation on the competent authorities to take measures to limit as far as possible, or if necessary, prohibit bunkering operations in territorial waters. 2) places of refuge : Parliament wants the plans to accommodate ships in distress to contain, where the Member States consider this necessary and feasible, provisions concerning the equipment of the places of refuge with the appropriate means of assistance, rescue and pollution control. Parliament is also reintroducing an amendment approved in the first reading and rejected by the Council which concerns the obligation on Member States to inform the Commission on refuge plans. However, the European Parliament is now proposing that the information should be transmitted to the Commission within 18 months of the entry into force of the Directive and not within 12 months as in the first reading. 3) evaluation of the implementation of the Directive : Parliament is extending the scope of the evaluation to Articles 22 (Information from the parties concerned on the designation of the competent authorities) and 25 (Penalties). In addition, Parliament proposes that the Commission should examine, as part of its evaluation, the need for and feasibility of measures at Community level aiming at facilitating the recovery or compensation of costs and damages incurred for the accommodation of ships in places of refuge, including the question of compulsory insurance. The Commission should report, within three years, the results of this examination to the European Parliament and the Council. 4) bringing forward of timetable for the carriage of transponders (AIS) on board ships : having regard to the work underway in the IMO (International Maritime Organisation) in connection with anti-terrorist measures, in order to improve the methods of detecting and identifying ships, it is probable that the timetable contained in the Commission proposal will be brought forward at international level. The purpose of the Parliament's amendments is to take into account, for each of the categories of ships concerned, a probable decision by the IMO aimed at speeding up the introduction of transponders.

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

2000/0325(COD) - 20/12/2000

At the end of a wide-ranging discussion the Council gave its agreement to common positions on the Directive on ship inspection organisations and the Directive on port State control. Moreover, in response to the request by the Nice European Council to adopt provisions on maritime safety as soon as possible, the Council and the Commission reaffirm their determination that satisfactory Community provisions on the accelerated phasing out of single-hull tankers will be adopted by the end of June 2001. Furthermore, the Council took note of the Commission's submission of its "second ERIKA package" and of delegations' comments on it. At the end of its discussions on maritime safety, the Council adopted the following conclusions: - notes the commitment by Member States to intensify their efforts, in the framework of Port State Control, by henceforth increasing the number of inspections, where these are insufficient, and their efficiency, and by targeting ships with the highest risk, such as gas and chemical tankers over 10 years of age, bulk carriers over 12 years of age and oil tankers and passenger ships over 15 years of age not covered by Directive 99/35, in accordance with the procedures laid down in the Council's common position. It emphasises the need to properly implement and enforce Port State Control obligations and the need to harmonise such controls at a high level in the Community. It - - welcomes the prospect of being able to ban sub-standard ships from Community ports as from the entry into force of the necessary legal instrument; underlines the need to ensure a proper and, as far as possible, global regime for liability and compensation in cases of pollution damage resulting from contamination by petroleum products or other noxious and hazardous substances transported by ship; - calls on Member States to pursue their joint cooperation efforts with a view to increasing the quality and availability of information on maritime traffic by submitting appropriate proposals to the IMO and by setting up a regional information system between their processing centres in order to make as effective as possible the procedures for maritime traffic surveillance and for the prevention of risks to shipping and the environment; - invites the Commission to draw up regularly an inventory of the international and Community provisions of maritime social legislation applied by Member States.

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

2000/0325(COD) - 06/12/2000 - Legislative proposal

PURPOSE : to establish a Community monitoring, control and information system for maritime traffic with a view to improving the safety of shipping and preventing pollution from ships. CONTENT : the present proposal a Directive is part of the second set of Community measures of maritime safety following the sinking of the oil tanker Erika (the first set of measures were adopted by the Commission on 21 March 2000). The European Union must therefore acquire the means to monitor and control more effectively the traffic off its coast and to take more effective action in the event of critical situations arising at sea. The proposal provides in particular for: - improving the identification of ships heading for European ports and monitoring all ships in transit in areas of high traffic density or hazardous to shipping, and requiring ships sailing in Community waters to carry transponder systems so that they can be automatically identified and constantly monitored by the coastal authorities; - extending the reporting requirements already provided for by Directive 93/75/EEC to other dangerous or polluting goods and in particular to bunker fuels carried on board, given the highly polluting nature of these products; - simplifying and harmonising the procedures relating to the transmission and use of data on dangerous or polluting goods carried by ships, notably through the systematic use of electronic data interchange (EDI); - requiring ships calling at Community ports to carry black boxes (or

voyage data recorders), in order to facilitate the investigation of accidents; - stepping up the development of common databases and the interconnection of the stations responsible for managing the information gathered under the Directive; - ensuring closer monitoring of ships posing a particularly serious threat to maritime safety and the environment and requiring information about them to be circulated among Member States, to enable the latter to identify dangerous situations sooner and take preventative action necessary in respect of such ships; - enhancing the powers of intervention of Member States, as coastal States, where there is an accident hazard or threat of pollution off their coasts (territorial waters and the high seas). Member States will thus be able to order the re-routing of a ship posing a threat to their coasts, to instruct the ship's master to stop a pollution risk, to put an assessment team on board or to impose mandatory pilotage or towage of the ship; - requiring Member States to take measures to receive ships in distress in ports of refuge, and prohibit ships from leaving ports in exceptional weather conditions involving a serious threat to safety or the environment.

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

2000/0325(COD) - 14/06/2001 - Text adopted by Parliament, 1st reading/single reading

The House approved the report by Mr Dirk STERCKX (ELDR, B) with a number of amendments. (Please refer to the previous text). In addition to the amendments set out in the previous document, Parliament also expresses the vulnerability of the Baltic sea. The House believes that the EU should make a request to the International Maritime Organisation (IMO) to declare at least the Gulf of Finland, and probably other zones of the Baltic Sea, to be part of a compulsory reporting system approved by the IMO. After EU enlargement this sea would almost be part of EU inland waters. A proper ice classification system was also considered important for safety purposes, in particular for the Gulf of Finland and the Baltic Sea. Finally, amendments were adopted regarding the installation of voyage data recorders (VDR or black boxes). This equipment is vital for the smooth operation of the monitoring, control and information system for maritime traffic. Parliament took the view that it was unacceptable, especially for the ships most at risk, for the installation of black boxes to be delayed.

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

2000/0325(COD) - 10/04/2002 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the resolution by Mr Dirk STERCKX (ELDR, B) approving the Council's common position subject to a few amendments retabled from first reading relating to compensation for ports that accommodate a ship in distress, the need to equip ports with tugs and other facilities, a ban on bunkering in coastal waters in bad weather and a demand to bring forward the dates for fitting transponders. More specifically, it is proposed that the Commission shall examine the need for, and feasibility of, measures at Community level aimed at facilitating the recovery or compensation of costs and damages incurred for the accommodation of ships in distress, including appropriate requirements for insurance or other financial security. It has also been stated that where necessary and feasible, these plans should include the provision of adequate means and facilities for assistance, salvage and pollution response.

## **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 board changes recommended 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 passengers. - 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 calendar proposed by the Parliament. The amendments not accepted by the Parliament are as follows: - Those which are deemed superfluous, 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 precise 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 two new 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.

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

2000/0325(COD) - 10/01/2002 - Commission communication on Council's position

The Commission accepts the Council's common position noting that it respects the key principles of the original proposal as well as a large majority of the amendments adopted by the Parliament at first reading.