

PRESENTATION OF THE THIRD MARITIME SAFETY PACKAGE

Directorate-General
for Energy
and Transport





Objectives

- Complete the existing maritime safety framework
 - ✓ **The discussions started in December 2002 at the request of the European Council**
 - ✓ **Request of the European Parliament**
 - ✓ **“Better Regulation” policy**



Preparatory Work

- Large consultation with interested parties
- Conduct of expanded impact assessments for each proposal
- Technical Support by EMSA
- Commission's proposals adopted by the Commission in November 2005



2 main objectives

- Prevention of accidents
- Measures in case of accidents



Third Maritime Safety Package

- *Flag State responsibilities*
- *Classification societies*
- *Port State control*
- *Vessel traffic monitoring*
- *Accident investigation*
- *Liability and compensation for damage of passengers*
- *Insurance of shipowners for maritime claim*

● Prevention - Flag State - I

- A missing link in EU legislation has been filled
- EU Member States required to control that ships flying their flags effectively respect IMO standards
- Mandatory audit plan of national maritime administrations
- Certification of national maritime administrations quality management systems (ISO 9001/2000)

● Prevention - Flag State - II

- Firm commitment of EU member States' flags to secure outstanding ratification of Maritime Safety Conventions
- Ensuring the ratification of the International Liability Conventions
- Apply the IMO Flag State Code & the audit scheme
- Ensuring that both instruments are made mandatory at international level
- Objective that all Member States flags be listed on the white list of the Paris MoU on Port State control by 2012 at the latest.

● Prevention – Classification Societies

- Classification Societies are fundamental for maritime safety.
- Better performance of classification societies is less room for sub-standard shipping
- Radical improvement in the quality of the work undertaken by classification societies
- Independent quality control regime (audit & certification of the quality management of EU-Recognised organisations) by a specialised body
- Transparency and cooperation obligations
- Stricter requirements for EC agreement
- New system of financial penalties for preventing under-performance

● Prevention – Port State Control

- Revision of the existing system of port State control
- A more stringent regime for substandard vessels (frequency of inspections, banning ...)
- Setting up of a new inspection regime with a full EU inspections coverage (now 25% - after 100%)
- Frequency of the inspection: depending on the risk the ships pose. The most dangerous ships will be inspected every 6 months
- Ships not fulfilling the rules will be banned

● Prevention – Vessel Traffic Monitoring

- **Places of refuge:** responsibility of independent authorities, clearer rules.
 - » Defining clear and precise legal framework on places of refuge,
 - » Guarantee an independent decision
 - » Ensuring that the authorities possess the necessary elements for decision-making.
- **SafeSeaNet:** Guarantee that all the Member States are interconnected via an EU-wide electronic system for maritime data exchange
- **Automatic Identification System (AIS)** mandatory for fishing vessels

● **Consequences of accidents - Accident investigations**

- Obligation to carry out a safety investigation after each very serious casualties
- Fully in line with international principles (IMO Code)
- Independent, professional investigative bodies
- Common methodology, technical support provided by the European Maritime Safety Agency
- Permanent cooperation framework between investigating bodies



Consequences of accidents – Insurance of shipowners for maritime claims

- Compulsory insurance for all ships entering a maritime area under the jurisdiction of a Member State.
- Cover with the ceilings set out in the Convention of IMO on the Limitation of Liability for Maritime Claims (1996 version).
- Proof of insurance will be provided by a commercial insurance certificate.
- Carrying an insurance certificate can be verified during an inspection under the Port State Control Directive
- When no certificate the ship may be detained or even expelled

● **Consequences of accidents – Liability and compensation to passengers**

- Introduction into European legislation of the Athens Convention of 2002
 - » modernised carrier liability rules
 - » a mandatory insurance system, and
 - » a satisfactory compensation ceiling
- Apply to all passengers who have purchased their tickets in Europe, to all EU flagged ships and to all voyages to/from European member States

● Thank you for your attention



Photo source: "courtesy of the Maritime Coastguard agency (UK)"

Directorate-General for Energy and Transport
http://ec.europa.eu/transport/maritime/index_en.htm