



Implementing Safemed IV

European Union Maritime Safety policy in the framework of the Regional Transport Action Plan (RTAP) for the Mediterranean Region

Lisbon, 25 and 26 September 2017

Maik Schmahl
European Commission
DG MOVE, Unit D2 'Maritime safety'

CONNECTING
EUROPE



@Transport_EU

Mobility and
Transport

Outline

1. Regional Transport Action Plan (RTAP)
for the Mediterranean Region 2014-2020
2. Importance of maritime transport
3. EU maritime safety policy: why, what, how
4. Key legislation
5. EMSA mandate and activities
6. Challenges and opportunities
7. Conclusions



1. Regional Transport Action Plan 2014-2020

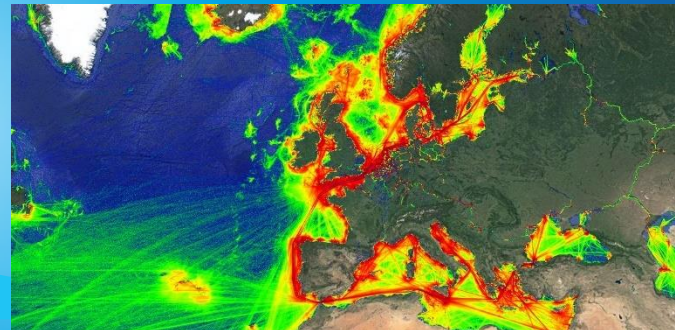
- Pursue, through concrete actions,
 - both the regulatory reform and convergence in all relevant different transport sectors (maritime, civil aviation, road, railway and urban transport)
 - and the establishment of an integrated multimodal Euro-Mediterranean transport network
- by facilitating trade and connecting people between the EU and the Mediterranean Partners and between Mediterranean Partners themselves.
- **Maritime transport actions and notably Action 2: Maritime safety**



2. Importance of maritime transport

- Europe has a 70,000 km coastline along two oceans (Atlantic, Arctic) and four seas (Baltic, North Sea, Mediterranean, and Black Sea)
- More than 80% of world trade is carried by sea; 90% of EU external trade; 40% of EU internal trade (short sea shipping)
- EU's maritime regions account for about 40% of its GDP and its population; more than 400 million sea passengers pass through EU ports each year

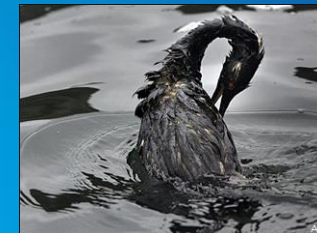
Maritime transport is vital for Europe's economy and has a direct impact on the quality of life of citizens



3. EU Maritime Safety Policy

Why it matters

- Avoid maritime disasters like the '[Estonia](#)' (1994, 852 fatalities), '[Erika](#)' (1999) and '[Prestige](#)' (2002, > € 2.5 billion)
- EMSA Annual Overview 2016 reporting year **2015**
 - > **3296** accidents and incidents reported (EU flagged ships or EU waters)
 - 115** fatalities, 'crew' and 'passengers'
 - 976** injuries
 - 64** pollution events
 - 36** ships lost



3. EU Maritime Safety Policy

Principles, objectives and responsibilities (1/2)

The EU and its Member States have been at the forefront of improving maritime safety legislation and promoting **high-quality standards**

- **Priority areas:**

- **Eliminate substandard shipping** in EU waters
- Increase **protection of crews and passengers**
- Reduce **environmental pollution**
- Ensure **good operators** do not face commercial disadvantage
- Promote international **competitiveness** of EU shipping
- Improve EU transport **efficiency**

3. EU Maritime Safety Policy

Principles, objectives and responsibilities (2/2)

These objectives are pursued mainly through a **convergent application of rules and standards agreed at international level**

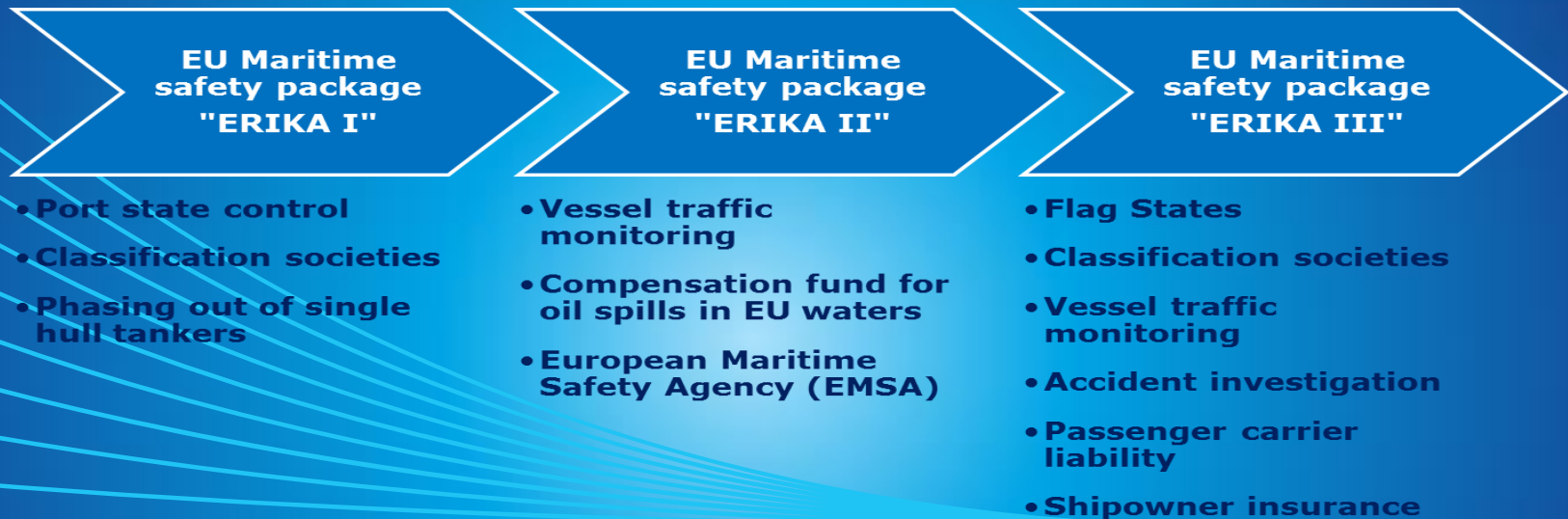


- **Harmonised rules** >> discharge of Member States' international obligations in an effective and coordinated way
- **More uniform application** >> incorporation of IMO rules in the EU legal order make them enforceable by the Commission (guardian of the Treaties) and before the **European Court of Justice**
- **Member States = Contracting Parties** to IMO conventions as **Flag States** (1st line of defence), **Port States** (2nd line of defence) and **Coastal States**

3. EU Maritime Safety Policy

Policy development

Started in 1992 with the Communication *"A common policy on safe seas"* + so-called legislative **Maritime Safety Packages I, II and III** + other specific legislations (some 30 main pieces currently in force)



3. EU Maritime Safety Policy

IMO Instruments Implementation (III) Code

- *'...the ultimate effectiveness of any instrument depends, inter alia, upon **all States**:*
 - (a) *becoming party to **all instruments** related to maritime safety, security and pollution prevention and control;*
 - (b) *implementing and enforcing such instruments **fully** and **effectively**;...'*

4. Key legislation - overview

To cover the entire chain of responsibility

- **Flag State & Recognised Organisations**
- **Port State Control**
- **Maritime surveillance**
- **Working conditions, training & qualification of seafarers**
- **Insurance, liability and compensation**
- Passenger ship safety
- Marine equipment
- Pollution prevention & environmental issues
- ...

4. Key legislation - Flag State responsibilities

Directive 2009/21/EC on compliance with flag State requirements

- Ensuring that MS **discharge their obligations** - derived from International conventions - as flag states
- Maritime Administrations of EU Member States must take part in an **IMO audit** at least every 7 years
- **Certified quality management system** for the operational parts of the flag State-related activities of each national administration
- EU MS on the **black or grey lists of the Paris MoU** shall provide the Commission with a report on their flag State performance

4. Key legislation - Recognized Organisations

Regulation (EC) No 391/2009 and Directive 2009/15/EC on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations

- **EU wide recognition** granted and monitored by the Commission
- **"Flag-blind" recognition and assessment criteria** covering class and statutory certification
- **Bilateral authorisation agreements** between MS (in their capacity as flag States) and ROs
- Independent certification of ROs' **quality management system**
- **Commission's enforcement powers** >> monitoring, fines, penalties, withdrawal of recognition

4. Key legislation – Port State Control

Directive 2009/16/EC on Port State Control

- **Paris MoU** (22 coastal MS + Iceland and Norway + 2 third countries: Canada and Russia (27 members in total)). SAFEMED IV aims to enhance harmonisation of MedMOU (Cyprus & Malta as EU MS).
- New **Inspection Regime** (ship risk profiles)
- **THETIS** database (hosted by EMSA)
- Detentions (grey/black lists) >> **banning from EU ports**

4. Key legislation – Vessel Traffic Monitoring

Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (as amended)

- **SafeSeaNet (SSN):** information exchange system to enhance safety of navigation (cargo, passengers, vessels); improve response to accidents and pollution detection
- **Tools:** pre-arrival notification (dangerous goods), Automatic Identification Systems (AIS), Long-Range Identification and Tracking of ships (LRIT), Voyage Data Recorder (VDR)
- **Ships in distress/need of assistance** >> EU operational guidelines on places of refuges
- Governance >> **High Level Steering Group** >> Commission Decision (EU) 2016/566 of 11 April 2016 (repealing 2009/584/EC)

4. Key legislation - Seafarers/human element

STCW >> Directive 2008/106/EC on the minimum level of training of seafarers amended by Directive 2012/35/EU (Manilla); Council Directive 79/115/EEC concerning pilotage of vessels by deep-sea pilots in the North Sea and English Channel; Directive 2005/45/EC on the mutual recognition of seafarers' certificate issued by the Member States and amending Directive 2001/25/EC

- **ILO Maritime Labour Convention** (MLC)
- Ratification by Member States
- Incorporation of MLC in EU law (DG EMPL, agreement between social partners)
- Enforcement through EU maritime safety legislation 'Flag State' and 'Port State'

4. Key legislation - Insurance liability and compensation

- **Insurance of shipowners** >> Directive 2009/20/EC
- **Passenger carrier liability** >> Regulation (EC) No 392/2009
- **Bunkers convention** >> Council Decision 2002/762/EC
- **HNS convention** >> Council Decision 2002/971/EC
- **International Oil Pollution Compensation (IOPC) Funds** >> Council Decision 2004/246/EC as amended by Council Decision 2004/664/EC

4. Key legislation – Pollution and environmental issues

- Phasing out of single-hull tankers
- Ship-source pollution
- Port reception facilities for ship-generated waste and cargo residues
- Prohibition of organotin compounds on ships
- Contents of sulphur in marine fuels
- GHG emissions (monitoring, reporting and verification)
- Ship recycling facilities

5. EMSA mandate and activities

Founding Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency, as last amended in 2013

- **Decentralised Agency** established in the wake of the ERIKA accident to provide assistance to the Commission and Member States
- *Ensuring a high, uniform and effective level of maritime safety, maritime security, prevention of, and response to, pollution caused by ships as well as response to marine pollution caused by oil and gas installations*
- **Technical assistance** (visits and inspections, training & technical assistance >> including to EU neighbourhood partner countries)
- **Operational tasks** (anti-pollution stand-by network, integrated maritime services)

<http://www.emsa.europa.eu>  **EMSA**

European Maritime Safety Agency



6. Challenges and opportunities

- **Continuous improvement** >> effective development, implementation and enforcement of maritime safety rule and standards
- **IMO** >> monitoring development, technical contribution and coordination with Member States in relevant areas of EU competence
- **Improve competitiveness** of EU maritime and shipping whilst maintaining high safety levels, in particular through **Digitalisation** >> driver for trade facilitation, administrative simplification, enforcement and monitoring of safety & environmental standards
- **Environmental** challenges (i.a. emissions, wastes)
- **Enhanced EMSA services** to support Member States' coast guard functions, in cooperation with FRONTEX
- Working with our **neighbours** in different frameworks (RTAP, Barcelona Convention etc.)

7. Conclusions

- **RTAP 2014-2020 based on 2013 Ministerial Commitment**
 - **End 2017 – Progress report on the implementation of the maritime component**
- **Unique features of EU maritime safety policy**
 - **Multi-level regulatory/policy framework (IMO / EU / National)**
 - **Ensures capacity for monitoring/enforcing maritime safety standards**
 - **Importance of EMSA >> expertise and technical assistance**

THANK YOU

Disclaimer :

This presentation does not constitute any formal commitment on behalf of the European Commission and represents the views and opinions of its authors only.

