

Implementation of Directive 2005/35/EC by France

EMSA workshop
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Introduction

Current situation:

A comprehensive corpus juris and a full set of technical measures already exist and are currently applied in France.

However, a few adaptations are necessary

The French maritime administration is currently working on a full transposition and implementation of Directive 2005/35/EC and particularly on:

- Article 6 on enforcement measures with respect to ships within a port of a Member State
- Article 7.1 on enforcement measures by coastal States with respect to ships in transit
- Article 10 on accompanying measures

1. The effective transposition of Directive 2005/35/EC

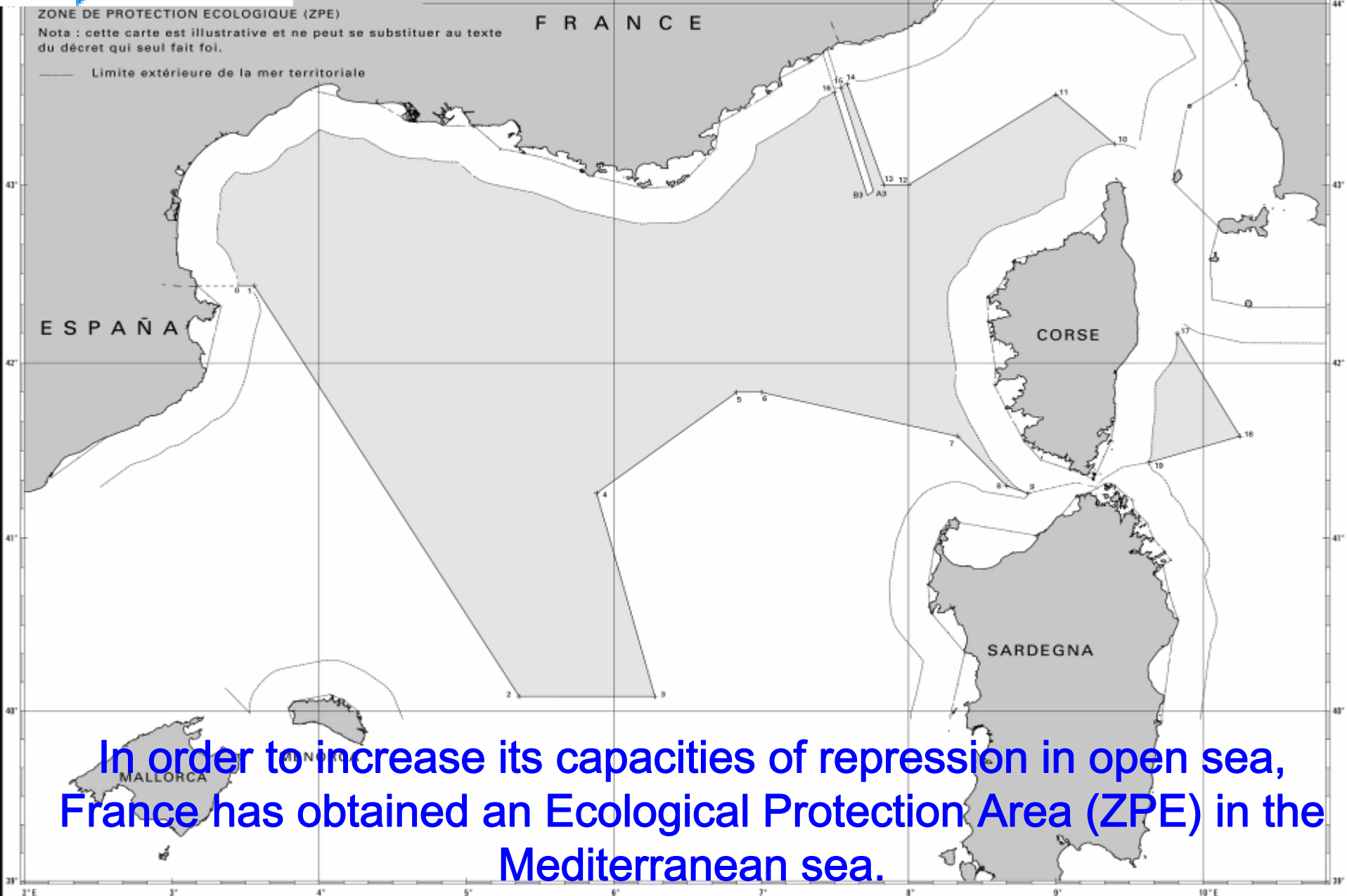
French environmental code: a comprehensive corpus juris

The French environmental code:

- embodies a comprehensive set of legal sanctions for ship-based pollutions
- is consistent with the MARPOL (Annexes I and II)
- transposes to a great extent the requirements of Directive 2005/35/EC

- These dispositions apply in:
 - the EEZ
 - the French equivalent zone in the Mediterranean sea: the Ecologic Protection Area

Ecological Protection Area



A few necessary adaptations

- A Governmental bill is to embody the required modifications
- e.g. financial sanctions for pollutions committed in the high seas within the limits of UNCLOS are created

A full set of administrative measures: inspections

- Ships inspections organised pursuant to Directive 95/21/EC
- French law on safety of life at sea, habitability on board and prevention of pollution
- Law n°83-581, 5 July 1983
- Decree n°84-810, 30 August 1984
- Order 23 November 1987 and its annexes Division 150, on port state control

**2. Recent measures to be
published to transpose
Articles 6 and 7.1 of the
Directive 2005/35/EC**

- Two orders relating to ships inspections will be published
- They will precise relationships and exchange of information between the various authorities pursuant to articles 6 and 7.1 of Directive 2005/35/EC

Order modifying Division 150

- One of the annex (Division 150) of Order 23 November 1987 relating to the port state control is modified

All suspected ships may be inspected

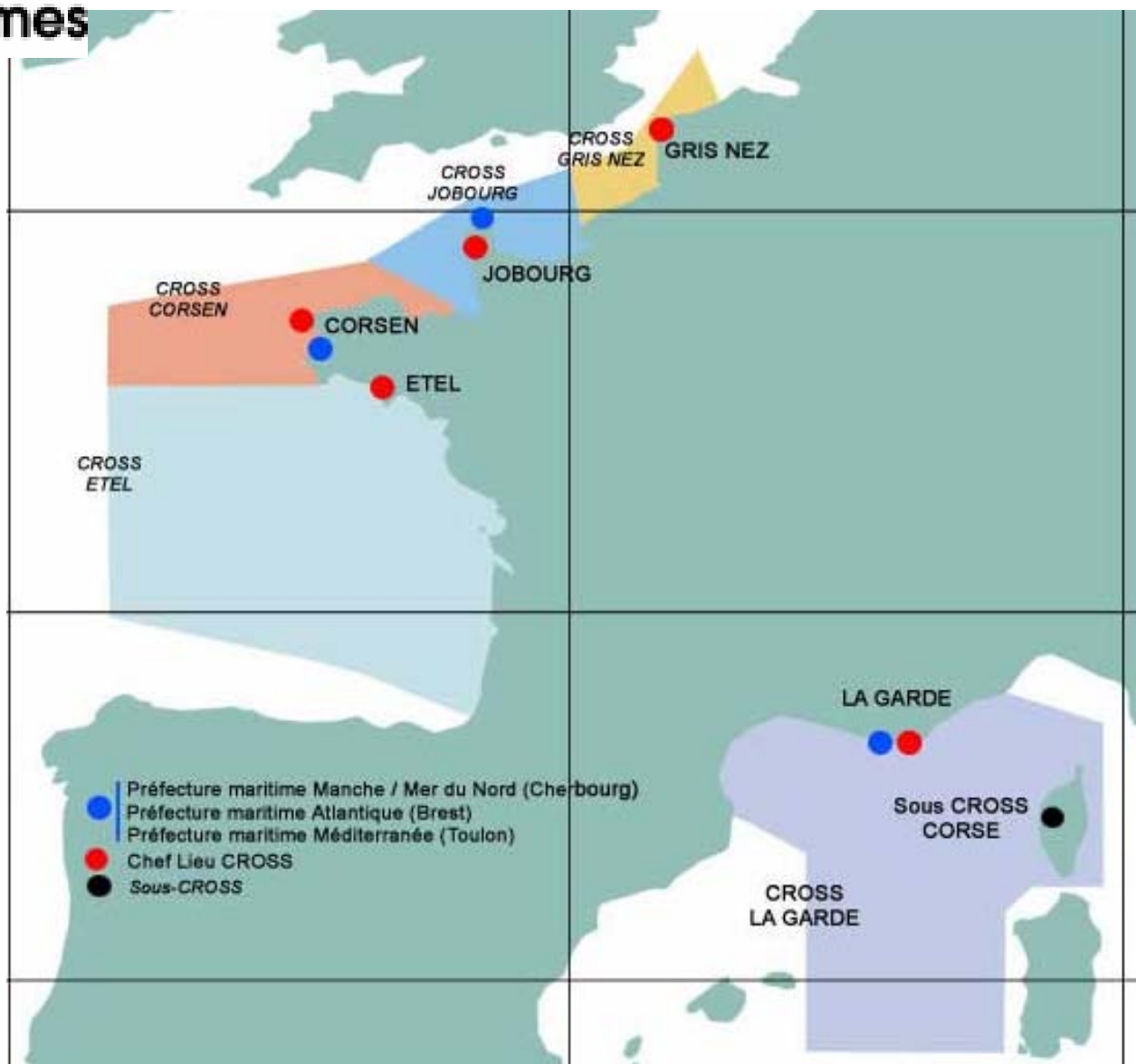
“Suspected” will be added to the word formerly used “accused” that proceeds from Directive 95/21/EC

A new Minister's Order

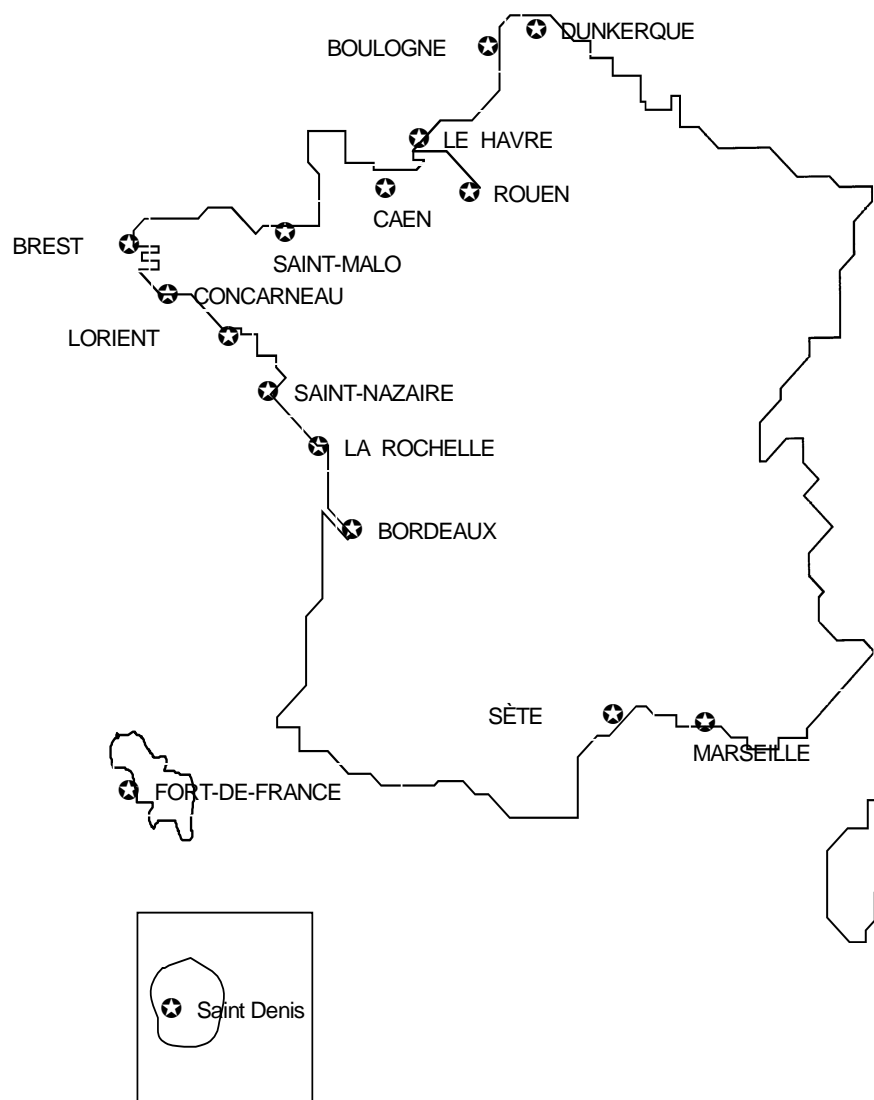
- Relating to ships inspections, transmission of information and cooperation between:
- In France:
 - CROSS: French operational centres dealing with MRCC and VTS functions, and pollution survey
 - CSN: ship survey local units

- In the EU and worldwide:
 - with the next port of call of the ship
- Providing collaboration with judicial authorities

CROSS



FRENCH SHIP SURVEY LOCAL UNITS



3. Implementation measures: detection, prevention of pollution and circulation of information

Prime Minister's Order, 15 July 2002 research and repression of ship-based pollution

- **Authorised agents**
 - detect ship-based pollution
 - immediately inform the CROSS by all available means
 - gather information in particular those allowing the identification of the suspected ship

- draft a report in a normalised format, the POLREP message
- The POLREP message is transmitted to:
 - CROSS geographically competent
 - Maritime Prefect
 - CEDRE
 - CICAD-MER

- **CROSS under the authority of the Maritime Prefect**
 - collects and analyses information relating to ships based pollutions
 - centralizes information
 - reports to the Maritime Prefect keeps informed the Secretary General of the Sea through the CICAD-Mer (POLREP message)

- informs the General Attorney
- handles with judicial authorities, enquiries and actions to identify ships having infringed maritime pollution regulation and gather pieces of evidence as to engage prosecution actions
- may ask for complementary information using the SIRENAC system

- **General Attorney or Maritime Prefect**
 - may ask for the inspection of the suspected ship
 - may ask the ship to be rerouted to a French port
- **General Attorney**
 - may ask for the immobilisation of the ship

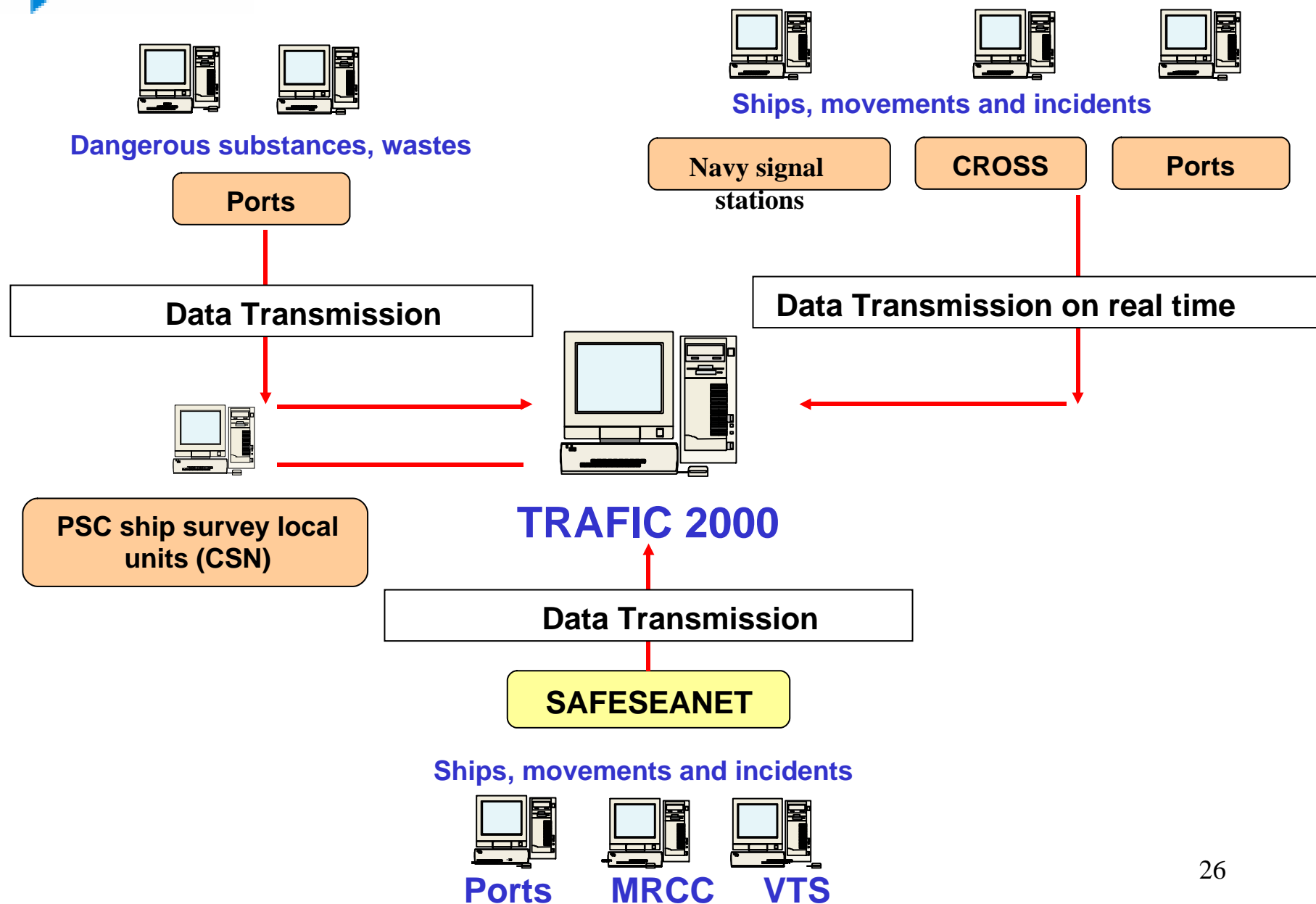
4. Information Exchange

Transposition of Directive 2002/59/EC into French law

- Several systems for exchange of information:
 - SIRENAC, the Paris MoU system, exchange of information among states parties of the MoU
 - Traffic 2000, exchange of information on maritime traffic
 - POLREP message issued by CROSS that have detected a ship-based pollution

- SafeSeaNet, the EU system
- Still in development:
 - Port information systems
 - Ingrid to improve Port State Control inspections with accurate data by the end of 2007

Trafic 2000 and its data supply



⇒ All transmitted data by the various systems are fully consistent

Conclusion

- A few necessary adaptations of French law: modification in process
 - two Orders are about to be published
- The systems relating to exchange of information:
 - already in use
 - some bettering in process

- Development of common practices:
 - The French administration actively participates in community, European (EMSA, MarNIS) and international (IMO) fora

Thank you for your attention