



2025/811

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COMMISSION DELEGATED DIRECTIVE (EU) 2025/811

of 19 February 2025

amending Annex I to Directive 2002/59/EC of the European Parliament and of the Council as regards information to be notified to ship reporting systems

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC ⁽¹⁾, and in particular Article 27(2) thereof,

Whereas:

- (1) Recent developments in the transport of dangerous goods, including oil, due to geo-political conflicts that affect maritime transport give cause for grave concern. In particular the occurrence of the so called dark or shadow fleet, as defined in International Maritime Organization (IMO) Assembly Resolution A.1192(33), often comprised of substandard ships poses substantial risks to maritime safety and marine ecosystems.
- (2) Estimates suggest that dark or shadow fleet has grown by 70 % over the last few years and comprise some 600 vessels. The opaque operation of the dark or shadow fleet creates difficulties, especially in establishing and verifying the status of certificates, including insurance certificates. The increased transportation of oil by such unsafe and uninsured ships undermines the safety and environmental standards in place under instruments developed by the IMO.
- (3) As a consequence, the increased exposure of the Member States European coastlines to environmental damages coming from an intensified activity of the dark or shadow fleet, and which provokes an increased risk of maritime accidents and incidents, is considered an unacceptable threat to safety of life at sea and to the environment.
- (4) The legal possibilities of attributing liability or obtaining compensation in the event of an incident may be limited due to the vessels' unclear ownership and insurance coverage, thus putting the burden of remedying the damages caused by a potential spill to the affected Member States and the Union.
- (5) Directive 2009/20/EC of the European Parliament and of the Council ⁽²⁾ on the insurance of shipowners for maritime claims contains provisions regarding notification of proof of maritime insurance for any ship – irrespective of flag – sailing to any EU Member State port, as well as in the territorial sea of EU Member States, without prejudice to international law requirements. It does however not cover ships in transit.
- (6) Directive 2002/59/EC in its Article 5 requires that all ships entering the area of any EU Member State(s) mandatory ship reporting systems comply with that system in reporting the information required. Furthermore, Article 16 requires that any ships that fail to notify, or do not have, insurance certificates or financial guarantees in accordance with international or EU rules, are considered to be posing a potential hazard to shipping or a threat to maritime safety, the safety of individuals or the environment.
- (7) The existing requirements do not adequately cover situations of ships that irrespective of their flag sail along Member States coasts, in transit, but do not enter into any Member State port, and needs to be addressed.

⁽¹⁾ OJ L 208, 5.8.2002, p. 10, ELI: <http://data.europa.eu/eli/dir/2002/59/oj>.

⁽²⁾ Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims (OJ L 131, 28.5.2009, p. 128, ELI: <http://data.europa.eu/eli/dir/2009/20/oj>).

- (8) Recent international developments emphasize the need for robust measures to address risks posed by uninsured and unsafe vessels. The IMO Assembly Resolution A.1192(33) (December 2023) urges actions to prevent illegal operations in the maritime sector by the dark or shadow fleet. The revised guidelines from the IMO Legal Committee (LEG.1/Circ.16, June 2024) set updated standards for recognizing civil liability insurance certificates and validating financial security providers, including Protection & Indemnity (P&I) Clubs, while the 1992 Fund and Supplementary Fund Assembly Resolutions (Resolutions No 14 and No 6 respectively, November 2024) reinforce the international liability and compensation regime established under the 1992 Civil Liability Convention (CLC), the 1992 Fund Convention, and the Supplementary Fund Protocol. To ensure alignment with these international standards and address emerging risks effectively, it is necessary to update Directive 2002/59/EC to reflect these developments.
- (9) To enhance maritime safety/pollution preparedness and enable coastal States to effectively monitor maritime traffic, in particular vessels carrying dangerous or polluting cargo such as oil, the IMO has established several Mandatory Ship Reporting (MSR) systems. Those systems are designed to facilitate the exchange of vital information related to ship movements and cargo, ensuring that relevant authorities are promptly informed. In the Union, this information is transmitted through national reporting systems connected to the Union Maritime Information and Exchange system, SafeSeaNet. Point 4 of Annex I to Directive 2002/59/EC outlines the type of information that ships are to provide to the authorities through relevant reporting systems. In order to meet evolving operational and safety needs, it is necessary to amend that Annex to include new information, and more specifically on insurance certificates, considered essential for ensuring maritime safety, environmental protection, and effective emergency response.
- (10) Directive 2002/59/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In point 4 of Annex I to Directive 2002/59/EC, point X is replaced by the following:

‘— X. Miscellaneous:

- characteristics and estimated quantity of bunker fuel, for ships of more than 1 000 gross tonnage,
- navigational status,
- one or more insurance certificates issued by its provider and carried on board the ship, providing evidence of existence of insurance for maritime claims in accordance with Article 4 of Directive 2009/20/EC, as well as civil liability certificates issued in accordance with:
 - the International Convention on Civil Liability for Oil Pollution Damage, 1992, as amended (1992 Civil Liability Convention);
 - the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (2001 Bunkers Convention); and
 - the Nairobi International Convention on the Removal of Wrecks, 2007 (2007 Nairobi WRC).’

Article 2

1. Member States shall adopt and publish, by 6 (six) months at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from the day following that of their adoption.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 February 2025.

For the Commission
The President
Ursula VON DER LEYEN