

Wednesday 25 April 2007

## Article 14

This Directive is addressed to the Member States.

Done at ..., on ...

For the European Parliament  
*The President*

For the Council  
*The President*

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**P6\_TA(2007)0146**

**Community vessel traffic monitoring \*\*\*I**

**European Parliament legislative resolution of 25 April 2007 on the proposal for a directive of the European Parliament and of the Council amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (COM(2005)0589 — C6-0004/2006 — 2005/0239(COD))**

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0589) <sup>(1)</sup>,
  - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0004/2006),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Fisheries (A6-0086/2007);
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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<sup>(1)</sup> Not yet published in OJ.

**P6\_TC1-COD(2005)0239**

**Position of the European Parliament adopted at first reading on 25 April 2007 with a view to the adoption of Directive 2007/.../EC of the European Parliament and of the Council amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the *Commission*,

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Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>,

Whereas:

- (1) With the adoption of 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 <sup>(4)</sup>, the European Union reinforced its capacity for preventing situations posing a threat to the safety of human life at sea and the protection of the marine environment.
- (2) Under this Directive Member States *that are* coastal States should be able to exchange information which they gather in the course of maritime traffic monitoring missions which they carry out in their areas of competence. The Community information exchange system SafeSeaNet, developed by the Commission in agreement with the Member States, comprises, on the one hand, a data exchange network and, on the other hand, a standardisation of the main information available on ships and their cargo (advance notice and reporting). It thus makes it possible to locate at source and communicate to any authority accurate and up-to-date information on ships in European waters, their movements and their dangerous or polluting cargoes, as well as marine incidents.
- (3) Accordingly, in order to guarantee operational use of the information gathered in this way, it is essential that the infrastructure necessary for the data collection and exchange referred to in this Directive and implemented by the national administrations be integrated into the Community information exchange system SafeSeaNet.
- (4) Of the information notified and exchanged pursuant to Directive 2002/59/EC, that concerning the precise characteristics of dangerous or polluting goods carried by sea is particularly important. Accordingly, and in the light of recent maritime accidents, the coastal authorities should be allowed easier access to the characteristics of the hydrocarbons being carried by sea, an essential factor in choosing the most suitable control techniques, and, in an emergency, provided with a direct link to those operators who have the best knowledge of the goods being carried.
- (5) The automatic ship identification systems (AIS — Automatic Identification System) referred to in the *International Convention for the Safety of Life at Sea, 1974 (hereinafter referred to as 'the SOLAS Convention')* make it possible not only to improve the possibilities of monitoring these ships but above all to make them safer in close navigation situations. They have accordingly been integrated into the enacting terms of Directive 2002/59/EC. Considering the large number of collisions involving fishing vessels that have clearly not been seen by merchant ships or which have not seen the merchant ships around them, extension of this measure to include fishing vessels with a length of more than 15 metres is very much to be desired. ***The International Maritime Organisation (IMO) has recognised that the publication for commercial purposes on the internet or elsewhere of AIS data transmitted by ships could be detrimental to the safety and security of ships and port facilities and has urged member governments, subject to the provisions of their national laws, to discourage those who make available AIS data to others for publication on the internet, or elsewhere, from doing so. In addition, the availability of AIS information on ships' routes and cargoes should not be detrimental to fair competition between actors in the shipping industry.***
- (6) It would be useful to study what synergies might be possible between AIS and the positioning and communication systems used in the context of the common fisheries policy, such as the satellite-based vessel monitoring system (VMS). ***The timetable for fitting vessels with AIS should accordingly be determined in the light of the findings of such a study.*** Investigation of the possibilities of integrating these systems should take account of the needs and requirements of controlling fishing fleets, particularly as regards the security and confidentiality of the data transmitted.

<sup>(1)</sup> OJ C 318, 23.12.2006, p. 195.

<sup>(2)</sup> OJ C 229, 22.9.2006, p. 38.

<sup>(3)</sup> Position of the European Parliament of 25 April 2007.

<sup>(4)</sup> OJ L 208, 5.8.2002, p. 10.

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- (7) ***This Directive provides that new ships must be fitted with AIS. To equip the existing fishing fleet, a special budget line should be created in addition to the Financial Instrument for Fisheries Guidance, which would allow cofinancing of up to around 90 % from Community funds, regardless of geographical area.***
- (8) Article 16 of Directive 2002/59/EC provides that Member States are to adopt special measures in respect of ships posing a potential hazard due to their behaviour or condition. It therefore seems desirable to add to the list of these ships those which do not have satisfactory insurance cover or financial guarantees or which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation or create a risk for the environment.
- (9) In accordance with Article 18 of Directive 2002/59/EC concerning the risks posed by exceptionally bad weather, it seems necessary to take into account the potential danger to shipping from ice formation. Therefore, where a competent authority designated by a Member State considers, on the basis of an ice forecast provided by a qualified information service, that the sailing conditions are creating a serious threat to the safety of human life or of pollution, it should inform the masters of the ships present in its area of competence or intending to enter or leave the port or ports in the area concerned. The authority concerned should be able to take any appropriate steps to ensure the safety of human life at sea and to protect the environment. ***To avoid possible problems with the ice rules laid down by some classification societies, it would be helpful if states standardised their rules; in this regard there could be unified requirements from the International Association of Classification Societies (IACS) or other leading associations in order to avoid such possible conflicts.***
- (10) Article 20 of Directive 2002/59/EC provides in particular that the Member States must draw up plans to accommodate, if the situation so requires, ships in distress in their ports or in any other protected place in the best possible conditions, in order to limit the consequences of accidents at sea.
- (11) However, in the light of the guidelines on places of refuge adopted by the IMO after Directive 2002/59/EC was adopted and following the work carried out jointly by the Commission, the European Maritime Safety Agency and the Member States, it seems necessary to lay down precisely the basic provisions that the 'place of refuge' plans must contain in order to ensure a harmonised and effective implementation of this measure and clarify the scope of obligations incumbent on the Member States.
- (12) ***It is important, in the event of a situation of distress at sea, that is to say, a situation that could give rise to loss of a vessel or an environmental or navigational hazard, to be able to call on an independent authority having the powers and expertise to take any necessary decisions to assist the vessel in distress with a view to protecting human lives and the environment and minimising economic damage. It is desirable that the competent authority should be permanent in nature. In particular, this authority should be empowered to take an independent decision may have to be taken as regards the accommodation of a ship in distress in a place of refuge. To this end, it should make a preliminary evaluation of the situation on the basis of the information contained in the relevant 'place of refuge' plan.***
- (13) Plans for accommodating ships in ***need of assistance*** should describe precisely the decision-making chain with regard to alerting and dealing with the situations in question. The authorities concerned and their remits should be clearly described, as should the means of communication between the parties involved. The applicable procedures should ensure that decisions can be taken quickly on the basis of specific maritime expertise ***in handling incidents where serious harmful consequences can be expected.***
- (14) When drawing up the plans the Member States should also make an inventory of potential places of refuge on the coast so as to allow the competent authority, in the event of an accident or incident at sea, to identify clearly and quickly the most suitable areas for accommodating ships in distress. Such an inventory should contain all the relevant information in particular on the physical, environmental and economic characteristics of the sites under consideration and the equipment and installations available to make it easier to accommodate ships in distress or deal with the consequences of an accident or pollution.

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- (15) It is important for the list of competent authorities responsible for deciding whether to accommodate a ship in a place of refuge, and the list of authorities responsible for receiving and handling alerts, to be published appropriately. The Member States should give the Commission an inventory of potential places of refuge. It may also prove useful for the parties involved in a maritime assistance operation and the authorities of neighbouring Member States likely to be affected by an emergency at sea to have access to appropriate information on the plans and places of refuge. ***It is important that the parties possessing such information guarantee its confidentiality.***
- (16) ***The implementation of a network of marine protected areas should be accelerated, and in addition the Member States should, under the coordination of the Commission, set up seasonal marine environmental and human resources index maps.***
- (17) ***The absence of financial guarantees or insurance should not exonerate a Member State from its obligation to assist a ship in distress and to accommodate it in a place of refuge if by so doing it can reduce the risks to the crew and the environment. Though the competent authorities may verify whether the ship is covered by insurance or some other financial guarantee permitting appropriate compensation for costs and damage associated with its accommodation in a place of refuge, the act of requesting this information should not delay the rescue operation.***
- (18) ***Ports which accommodate a ship in distress must be able to rely on prompt compensation in respect of costs and any damage associated with the operation. To that end it is important that not only Directive 2007/.../EC of the European Parliament and of the Council of ... [on the civil liability and financial guarantees of shipowners] and regulations of the International Oil Pollution Compensation Funds, but also the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (the HNS Convention) and the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage (the Bunker Oil Convention) be applied. Member States should therefore ratify these conventions as soon as possible. It is also desirable that Member States should press, within the IMO, for the adoption of the Wreck Removal Convention. In exceptional cases, Member States should ensure the compensation of costs and economic loss suffered by a port as a result of accommodating a ship in distress, particularly if such costs and economic loss are not covered by the financial guarantees of the vessel owners and other existing compensation mechanisms.***
- (19) ***In order to obtain the full cooperation and trust of ships' masters and crew, it needs to be ensured that those masters and crew can rely on good and fair treatment from the competent authorities of the Member State which is required to accommodate their ship in distress. To that end, it is desirable that Member States apply the IMO guidelines on fair treatment of seafarers in the event of a maritime accident.***
- (20) ***Surveillance of the Union's coasts and monitoring of ships entering its territorial waters are a cornerstone of European maritime safety. To deny impunity to ships and ensure that any place of refuge receives compensation in the event of an accident, it is essential to intensify coastal checks and ensure that no ship enters Union territorial waters if it does not have a financial guarantee within the meaning of Directive 2007/.../EC [on the civil liability and financial guarantees of shipowners].***
- (21) The specific function of the vessel traffic monitoring and ship's routing measures is to allow Member States to obtain a true knowledge of the ships using the waters under their jurisdiction and thus enable them to take more effective action against potential risks if necessary. Sharing the information gathered helps to improve its quality and makes it easier to process.
- (22) In accordance with Directive 2002/59/EC the Member States and the Commission have made substantial progress towards harmonising electronic data exchange, in particular as regards the transport of dangerous or polluting goods. The Community information exchange system SafeSeaNet, in development since 2002, should now be established as the reference network at Community level. ***It is***

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***important to ensure that the SafeSeaNet system does not result in increased administrative or cost burdens for industry, that there is harmonisation with international rules and that confidentiality in relation to any possible commercial implications is taken into account.***

- (23) The progress made in the new technologies and in particular in their space applications, such as ***satellite-based*** ship monitoring systems, imaging systems or Galileo, now makes it possible to extend traffic monitoring further offshore and thereby to ensure better coverage of European waters. ***Furthermore, the IMO has amended the SOLAS Convention to take account of developments in maritime safety and security and the maritime environment with a view to developing systems for global long-range identification and tracking of ships (LRIT). In accordance with the architecture approved by the IMO, which provides for the possibility of setting up regional LRIT Data centres, and taking into account the experience gained from the SafeSeaNet system, a LRIT European Data Centre should be set up for the collection and management of LRIT information. In order to retrieve LRIT data, Member States will need to be connected to the LRIT European Data Centre.***
- (24) ***The IMO requirements for the fitting of ships with a LRIT system are applicable only to ships engaged in international voyages. However, since ships in domestic voyages between ports of a Member State may also pose a risk for maritime security, safety and the environment, such ships should also be fitted with LRIT, in accordance with a timetable to be proposed in due time by the Commission.***
- (25) In order to guarantee the best possible use, harmonised at Community level, of the information gathered under this Directive or other instruments concerning maritime safety, the Commission should be able, if necessary, to process and use these data and disseminate them to the authorities designated by the Member States.
- (26) ***Information gathered pursuant to this Directive may only be disseminated and used to prevent situations which threaten the safety of human life at sea and the protection of the marine environment; it is therefore desirable that the Commission, in cooperation with the European Network and Information Security Agency, investigate how to tackle the network and information security problems resulting from the application of this Directive.***
- (27) In this context, the development of the 'Equasis' system has shown how important it is to encourage a 'safe seas' culture, especially in maritime transport operators. The Commission should be able to contribute to the dissemination, particularly via this system, of any information of maritime interest gathered by the various public or private bodies involved in maritime safety.
- (28) Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)<sup>(1)</sup> centralises the tasks of the committees set up under the relevant Community legislation on maritime safety, prevention of pollution from ships and protection of living and working conditions on board. The existing committee should therefore be replaced by COSS.
- (29) The amendments to the international instruments referred to should also be taken into account.
- (30) The European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002<sup>(2)</sup> should provide the necessary support to ensure the convergent and effective implementation of this Directive.
- (31) Directive 2002/59/EC should therefore be amended accordingly,

<sup>(1)</sup> OJ L 324, 29.11.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 93/2007 (OJ L 22, 31.1.2007, p. 12).

<sup>(2)</sup> OJ L 208, 5.8.2002, p. 1. Regulation as last amended by Regulation (EC) No 1891/2006 (OJ L 394, 30.12.2006, p. 1).

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HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2002/59/EC is hereby amended as follows:

(1) **Recital 19 shall be replaced by the following:**

*‘(19) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (\*). In particular, the Commission should be empowered to draw up an annex on SafeSeaNet and to amend Annexes I, III and IV in the light of experience gained. Since those measures are of general scope and are designed to amend non-essential elements of the Directive, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC. The Commission should also be empowered to lay down requirements for the fitting of LRIT equipment on board ships engaged in domestic voyages and to modify definitions, references or the annexes to bring them into line with EC or international law. These measures can be adopted in accordance with the regulatory procedure provided for in Article 5 of Decision 1999/468/EC.*

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(\*) OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).’

(2) **In Article 1, paragraph 1 shall be replaced by the following:**

*‘The purpose of this Directive is to establish in the Community a vessel traffic monitoring and information system with a view to enhancing the safety and efficiency of maritime traffic, enhancing port and maritime security, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and contributing to a better prevention and detection of pollution by ships.’*

(3) **Article 2(2) shall be amended as follows:**

(a) the introductory wording shall be replaced by the following: ‘Unless otherwise provided, this Directive shall not apply to:’;

(b) **point (c) shall be replaced by the following:**

*‘(c) ships’ stores and equipment for use on board ships.’*

(4) **Article 3 shall be amended as follows:**

(a) point (a) shall be amended as follows:

(i) in the first sentence, the introductory wording shall be replaced by the following: ‘the following instruments, in their up-to-date versions:’;

(ii) the following indents shall be added:

— “IMO Resolution A.949(23)” means International Maritime Organisation Resolution 949(23) entitled “Guidelines on places of refuge for ships in need of assistance”

— “IMO Resolution A.950(23)” means International Maritime Organisation Resolution 950(23) entitled “Maritime assistance services (MAS)”;

— “IMO Resolution A.917(22)” means International Maritime Organisation Resolution A.917(22) entitled “Guidelines for the onboard use of AIS”, as amended by IMO Resolution A.956(23);

— “IMO Resolution A.987(24)” means International Maritime Organisation Resolution A.987(24) entitled “Guidelines on the fair treatment of seafarers in the event of a maritime accident”;

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(b) the following points (s), (t), (u) and (v) shall be added:

- (s) "SafeSeaNet" means the Community maritime information exchange system developed by the Commission in cooperation with the Member States to ensure the implementation of Community legislation, **as set out in a special annex which will be drawn up in accordance with the regulatory procedure with scrutiny referred to in Article 28(3);**
- (t) "regular service" means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognizable systematic series;
- (u) "fishing vessel" means any vessel equipped or used commercially for catching fish or other living resources of the sea;
- (v) **"LRIT" means a system that automatically transmits long-range identification and tracking information in accordance with Regulation 19 Chapter V of the SOLAS Convention.'**

(5) The following Article 6a shall be inserted:

'Article 6a

Use of automatic identification systems (AIS) by fishing vessels

Any fishing vessel with a length of more than **24 metres** overall and sailing in waters under the jurisdiction of a Member State must, in accordance with the timetable set out in Annex II, Part I(3), be fitted with an AIS which meets the performance standards drawn up by the IMO.

**Fishing vessels equipped with an AIS, shall maintain it in operation at all times, except where international agreements, rules or standards provide for the protection of navigational information.**

**In accordance with the IMO Guidelines for the onboard use of AIS, AIS may be switched off where the master considers this necessary in the interests of the safety or security of his vessel.'**

(6) The following Article 6b shall be inserted:

'Article 6b

Use of long-range identification and tracking of ships (LRIT)

**1. Ships engaged in international voyages, except when fitted with AIS and operating exclusively within a sea area A1 covered by an AIS network, shall be fitted with an LRIT system in accordance with Regulation 19 Chapter V of the SOLAS Convention and the performance standards and functional requirements adopted by the IMO.**

**The Commission shall lay down, in accordance with the regulatory procedure referred to in Article 28(2), requirements for the fitting of LRIT equipment on board ships engaged in domestic voyages between ports of a Member State of the European Union.**

**2. Member States and the Commission shall cooperate to establish, by 31 December 2008, an LRIT European Data Centre in charge of processing the long-range identification and tracking information.**

**The LRIT European Data Centre shall be a component of the European maritime information and exchange system, SafeSeaNet. Costs related to modifications of national elements of SafeSeaNet so as to include LRIT information shall be borne by Member States.**

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**Member States shall establish, by 31 December 2008 at the latest, and maintain a connection to the LRIT European Data Centre.**

**3. The Commission shall determine the policy and principles for access to information held in the LRIT European Data Centre in accordance with the regulatory procedure referred to in Article 28(2).'**

(7) Article 12 shall be replaced by the following:

'Article 12

Obligations on the shipper

**1. Shippers offering dangerous or polluting goods for carriage in a port of a Member State shall deliver to the master or operator of the ship, irrespective of its size, before the goods are taken on board, a declaration containing the following information:**

- (a) the information listed in Annex I(2);
- (b) for the substances referred to in Annex I to the Marpol Convention, the safety data sheet detailing the physico-chemical characteristics of the products, including their viscosity expressed in cSt at 50 °C and their density at 15 °C **and the other data contained in the safety data sheet in accordance with IMO resolution MSC.150(77);**
- (c) the emergency numbers of the shipper or any other person or body in possession of information on the physico-chemical characteristics of the products and on the action to be taken in an emergency.

**2. Vessels coming from a port outside the Community and heading for a port of a Member State or an anchorage in the territorial waters of a Member State which have dangerous or polluting substances on board must be in possession of a declaration by the shipper containing the following information:**

- (a) the information listed in Annex I(3);
- (b) the information required under points (b) and (c) of paragraph 1 of this Article.

**3. It shall be the duty and responsibility of the shipper to deliver to ensure that the shipment offered for carriage is indeed the one declared in accordance with paragraphs 1 and 2.'**

(8) In the second paragraph of Article 14, point (c) shall be replaced by the following:

**'(c) each Member State must be able, upon request, to send using SafeSeaNet information on the ship and on the dangerous or polluting goods on board without delay to the national and local competent authorities of another Member State. This must not lead to Member States routinely requesting information on ships and their cargoes for purposes other than maritime safety or security or the protection of the maritime environment.'**

(9) In Article 16(1), the following points (d) and (e) shall be added:

**'(d) ships which have failed to notify or do not have insurance certificates or financial guarantees pursuant to Directive 2007/.../EC of the European Parliament and the Council of ... [on the civil liability and financial guarantees of shipowners](\*);**

**(e) ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation or create a risk for the environment.**

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(\*) OJ L ...'



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(10) The following Article 18a *shall be* inserted:

‘Article 18a

Measures in the event of risks posed by the presence of ice

1. Where the competent authorities designated by Member States consider, in view of the ice conditions, that there is a serious threat to the safety of human life at sea or to the protection of their shipping areas or coastal zones, or of the shipping areas or coastal zones of other States:

- (a) they shall supply the master of a ship which is in their area of competence, or intends to enter or leave one of their ports, with appropriate information on the ice conditions, the recommended routes and the icebreaking services in their area of competence;
- (b) they may request that a ship which is in the area concerned, and intends to enter or leave a port or terminal or to leave an anchorage area, ***prove by way of documentary evidence that it satisfies*** the strength and power requirements commensurate with the ice situation in the area concerned.

2. The measures taken pursuant to paragraph 1 shall be based, as regards the data concerning the ice conditions, upon ice and weather forecasts provided by a qualified meteorological information service recognised by the Member State.’

(11) In Article 19(2) the following subparagraph *shall be* added:

‘To this end they shall communicate to the competent national authorities, on request, the information referred to in Article 12.’

(12) Article 20 *shall be* replaced by the following:

‘Article 20

Accommodation of ships in distress in places of refuge

1. Member States shall ***designate a competent authority which has the required expertise and is independent in that it has the power, at the time of the rescue operation, to take decisions on its own initiative concerning the accommodation of ships in distress with a view to:***

- ***the protection of human lives;***
- ***coastal protection;***
- ***the protection of the marine environment;***
- ***safety at sea; and***
- ***minimising economic loss.***

2. ***The authority referred to in paragraph 1 may, inter alia:***

- (a) ***restrict the movement of the ship or direct it to follow a specific course. This requirement does not affect the master’s responsibility for the safe handling of his ship;***
- (b) ***give official notice to the master of the ship to put an end to the threat to the environment or maritime safety;***
- (c) ***come aboard or send an evaluation team aboard the ship to assess the damage to the ship and the degree of risk, help the master to remedy the situation and keep the competent coastal station informed;***
- (d) ***call on and deploy rescue workers itself where necessary;***
- (e) ***cause the ship to be piloted or towed.***

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3. *The Member States shall, under the coordination of the Commission, draw up seasonal (transborder) marine environmental and human resources index maps.*

4. *The authority referred to in paragraph 1 shall assume responsibility for the execution of the plans referred to in Article 20a.*

5. *On the basis of a preliminary assessment of the circumstances, the authority referred to in paragraph 1 shall decide on the accommodation of a ship in distress in a place of refuge.*

*The authority referred to in paragraph 1 shall ensure that, based on an assessment of the circumstances in accordance with the plans referred to in Article 20a, ships in distress are admitted to a place of refuge in all cases where the accommodation of the ship in distress in a place of refuge permits the risks associated with those circumstances to be reduced.*

6. *Member States shall respect the IMO Guidelines on the fair treatment of seafarers in the event of a maritime accident in relation to the crew of a ship in distress in the waters under their jurisdiction.*

7. The authorities referred to in paragraph 4 shall meet regularly to exchange their expertise and improve the measures taken pursuant to this Article. They may meet at any time, on account of specific circumstances, at the initiative of one of them or of the Commission.'

(13) The following Article 20a *shall be* inserted:

'Article 20a

Plans for the accommodation of ships in distress

1. Member States shall draw up plans for responding to threats presented by ships in distress in the waters under their jurisdiction **and for securing the accommodation of ships and the protection of human lives.**

2. The plans referred to in paragraph 1 shall be prepared after consultation of the parties concerned, taking into account the relevant IMO guidelines referred to in Article 3(a), and shall contain at least the following:

- (a) the identity of the authority or authorities responsible for receiving and handling alerts;
- (b) the identity of the authority responsible for assessing the situation, selecting a suitable place of refuge and taking a decision on accommodating a ship in distress in the place of refuge selected;
- (c) the inventory of potential places of refuge, recapitulating those elements which are conducive to speedy assessment and decision-making, including descriptions of the environmental and social factors and the natural conditions of the potential places considered;
- (d) the assessment procedures for selecting the place of refuge on the basis of the potential places listed on the inventory;
- (e) the resources and installations suitable for assistance, rescue and combating pollution;
- (f) any international coordination and decision-making mechanisms that may be applicable;
- (g) the financial guarantee and liability procedures in place for ships accommodated in a place of refuge.

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3. Member States shall publish the name of the competent authority referred to in Article 20(4) and the list of appropriate contact points for receiving and handling alerts. They shall communicate to the Commission the inventory of potential places of refuge. They shall also communicate the relevant information concerning the plans and places of refuge to the neighbouring Member States.

In implementing the procedures provided for in the plans for accommodating ships in distress, they shall ensure that all relevant information concerning the plans and places of refuge is made available to the parties involved in the operations, including assistance and towing companies.

***Persons receiving relevant information pursuant to this paragraph concerning emergency plans and places of refuge must guarantee the confidentiality of such information.'***

(14) The following Article 20b *shall be* inserted:

'Article 20b

Financial guarantees ***and compensation***

1. ***The absence of an insurance certificate or financial guarantee shall not exonerate the Member States from the preliminary assessment and decision referred to in Article 20 and is not of itself sufficient reason for a Member State to refuse to accommodate a ship in distress in a place of refuge.***

2. ***Without prejudice to paragraph 1, when accommodating a ship in distress in a place of refuge, the Member State may request the ship's operator, agent or master to present an insurance certificate or a financial guarantee, within the meaning of Article 7 of Directive 2007/.../EC [on the civil liability and financial guarantees of shipowners], covering his liability for damage caused by the ship. The requesting of this certificate shall not lead to a delay in accommodating a ship in distress.***

3. ***Member States shall ensure the compensation of costs and potential economic loss suffered by a port as a result of a decision taken pursuant to Article 20(5) if such costs or economic loss are not compensated within a reasonable time by the owner or operator of the ship pursuant to Directive 2007/.../EC [on the civil liability and financial guarantees of shipowners] and the existing international compensation mechanisms.'***

(15) The following Article 22a *shall be* inserted:

'Article 22a

European maritime information exchange system SafeSeaNet

1. Member States shall establish maritime information management systems, at national or local level, to process the information referred to in this Directive.

2. Communication systems set up pursuant to paragraph 1 must allow the information gathered to be used operationally and must satisfy, in particular, the conditions laid down in Article 14 of this Directive.

3. To guarantee an effective exchange of the information referred to in this Directive, Member States shall ensure that the national or local systems set up to gather, process and preserve that information can be interconnected with the Community maritime information exchange system SafeSeaNet. ***The Commission shall ensure that the Community maritime information exchange system SafeSeaNet is operational on a 24 hours-a-day basis.***

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**4. When cooperating within regional agreements or in the framework of cross-border, inter-regional or transnational projects, Member States shall ensure that information systems or networks developed comply with the requirements of this Directive and are compatible with and connected to the SafeSeaNet system.**

**5. To ensure that there is a sufficient period to test the functioning of the SafeSeaNet system, that system shall become fully operational on 1 January 2009.'**

(16) Article 23 shall be amended as follows:

(a) paragraph (c) shall be replaced by the following:

'(c) extending the cover of the Community vessel traffic monitoring and information system, and/or updating it, with a view to enhanced identification and monitoring of ships, taking into account developments in information and communication technologies. To this end, the Member States and the Commission shall work together to put in place, where necessary, mandatory reporting systems, mandatory maritime traffic services and appropriate ship's routing systems, with a view to submitting them to the IMO for approval. They shall also collaborate, within the regional or international bodies concerned, on developing long-range maritime traffic monitoring systems;'

(b) the following points (e), (f) **and (g)** shall be added:

'(e) ensuring the interconnection and interoperability of the national systems used for managing the information referred to in the Annex, **integrating conventional with satellite-based systems used for the same purpose**, and developing and updating the SafeSeaNet system;

(f) studying the feasibility and determining the detailed rules for integrating automatic identification systems (AIS) with the positioning and communication systems used in the context of the common fisheries policy. **The findings of that study shall be made available at the latest 12 months before the entry into force of the obligation referred to in Article 6a, and in any case not later than 1 July 2008;**

**(g) studying and implementing procedures that will more effectively guarantee the confidentiality of information gathered.'**

(17) The following Article 23a shall be inserted:

'Article 23a

Processing and management of maritime safety information

1. The Commission shall ensure, where necessary, the processing, use and dissemination to the authorities designated by the Member States, of the information gathered under this Directive or gathered by any public or private bodies in the pursuance of their respective missions.

2. Where appropriate, the Commission shall contribute to the development and operation of systems for collecting and disseminating data relating to maritime safety, in particular through the 'Equasis' system or any other equivalent public system.'

(18) Article 24 shall be replaced by the following:

'Article 24

Confidentiality of information

1. Member States shall, in accordance with their national legislation, take the necessary measures to ensure the confidentiality of information sent to them pursuant to this Directive.

2. Member States shall, in accordance with their national legislation, verify that AIS and LRIT data transmitted by ships is not being made publicly available or used for purposes other than safety, security and the protection of the environment, or which would affect competition between ship operators. In particular, they shall not authorise the public dissemination of information concerning the details of the cargo or of the persons on board, unless the master or the operator of the vessel has agreed to such use.

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**3. In cooperation with the European Network and Information Security Agency, the Commission shall investigate how to tackle the network and information security problems which may be associated with the measures provided for under this Directive, and in particular Articles 6, 6a, 14 and 22a thereof. No later than one year after the entry into force of this Directive, the Commission shall take the necessary measures to combat the unauthorised use or commercial abuse of data exchanged pursuant to this Directive.'**

(19) **In Article 27, paragraph 2 shall be replaced by the following:**

**'2. Furthermore, Annexes I, III and IV may be amended in accordance with the regulatory procedure with scrutiny referred to in Article 28(3), in the light of experience gained with this Directive, in so far as such amendments do not broaden the scope of this Directive.'**

(20) Article 28 shall be replaced by the following:

Article 28

Committee

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council (\*).

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

**3. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.**

(\*) OJ L 324, 29.11.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 93/2007 (OJ L 22, 31.1.2007, p. 12).'

(21) **In Annex I, indent X of point 4 shall be replaced by the following:**

**— X. various information:**

**— characteristics and estimated quantity of bunker fuel for all ships carrying bunker fuel,**

**— navigational status.'**

(22) In part I of Annex II, the following point 3 shall be added:

3. Fishing vessels

Any fishing vessel of overall length **24 metres and upwards** is subject to the carrying requirement laid down in Article 6a according to the following timetable:

— **new fishing vessel of overall length 24 metres and upwards: on ...(\*);**

— fishing vessel of overall length 24 metres and upwards but less than 45 metres: not later than ... (\*\*).

(\*) The date of entry into force of this Directive

(\*\*) Two years after the date of entry into force of this Directive.'

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Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...<sup>(1)</sup> at the latest. They shall forthwith communicate to the Commission the text of those *measures* and a correlation table between *them* and this Directive.

When Member States adopt those *measures*, they shall contain a reference to this Directive or be accompanied by *such 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 third day following that of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at ..., on ...

For the European Parliament  
*The President*

For the Council  
*The President*

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<sup>(1)</sup> 12 months after the date of entry into force of this Directive.

P6\_TA(2007)0147

## Investigation of accidents \*\*\*I

**European Parliament legislative resolution of 25 April 2007 on the proposal for a directive of the European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Directives 1999/35/EC and 2002/59/EC (COM(2005)0590 — C6-0056/2006 — 2005/0240(COD))**

(Codecision procedure: first reading)

*The European Parliament,*

— having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0590)<sup>(1)</sup>,

— having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0056/2006),

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<sup>(1)</sup> Not yet published in OJ.