

**EUROPEAN ECONOMIC AREA**  
**STANDING COMMITTEE**  
**OF THE EFTA STATES**

2/00/W/070  
5 April 2001  
Brussels

**SUBCOMMITTEE II ON FREE MOVEMENT OF CAPITAL AND SERVICES**

**EEA EFTA COMMENTS ON THE PROPOSAL FOR AN EP AND COUNCIL  
DIRECTIVE ESTABLISHING A COMMUNITY MONITORING, CONTROL  
AND INFORMATION SYSTEM FOR MARITIME TRAFFIC**

**EXECUTIVE SUMMARY**

**The EEA EFTA States suggest that the timelimit for prior notification to ports of call be reduced from 48 hours to 24 hours as a general rule.**

**The EEA EFTA States support the objective of making the installation of Automatic identification systems and Voyage recorders (black boxes) mandatory. However, they would prefer to have such requirements adopted within the IMO framework.**

**The EEA EFTA States suggest that the provision on the transmission of information on dangerous/polluting cargo be made more flexible, whereas the use of electronic means of communications should still be the normal procedure.**

**The EEA EFTA States can support provisions related to ships in transit, provided this is in conformity with the Convention of the Law of the Sea.**

**The EEA EFTA States suggest that the competence and responsibility of the parties involved concerning measures in the event of bad weather be clarified.**

**The EEA EFTA States suggest that the status of the plans drawn up for ports of refuge be clarified in the Directive.**

**I INTRODUCTION**

1. The EEA EFTA States welcome and appreciate the European Commission's proposed measures on the establishment of a community monitoring, control and information system for maritime traffic.<sup>1</sup> In general, the EEA EFTA States support the intention behind the proposal, and in particular they find the proposal on notification requirements more user-friendly, flexible and clear than in the Hazmat directive. However, some aspects should be further considered.

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<sup>1</sup> COM (2000) 802 final, 6.12.2000 // 2000/0325 (COD)

## II THE PROPOSAL

### *Art. 4 – Notification prior to entry into Community ports*

2. It follows from this Article that Member States shall take the necessary measures to ensure that any ship bound for a port located in the Community announces its arrival to the port authority:

- a) at least 48 hours before its arrival, if the port of call is known, or
- b) as soon as the port of call is known, if this information is available less than 48 hours before its arrival, or
- c) at the latest, at the time the ship leaves the previous port, if the journey time is less than 48 hours.

3. In the view of the EEA EFTA States the requirement to announce arrival should neither be earlier, nor later than what is needed by port authorities to arrange for their functions. Destinations may be changed during voyage, and there may be uncertainties as to when ships actually will approach the port. On voyages with short time duration, an announcement as late as the moment of departure from the previous port could imply that the authority in port of arrival does not receive necessary information in time.

4. The EEA EFTA States concerned are operating a reporting system for port arrivals with a 24 hours prior notice requirement. Should the necessary information be unavailable 24 hours before arrival, the practical consequence would be that the port authority exempts from the 24 hours limit, unless special circumstances exist. This system is from our point of view more flexible than the proposal. At the same time the port authorities receive information early enough to carry out the necessary measures when needed.

5. The EEA EFTA States suggest that Article 4 be amended as follows:

*“Member States shall take the necessary measures to ensure that any ship bound for a port located in the Community announces its arrival to the port authority at least 24 hours before its arrival.”*

### ***Art. 7 and 8 - Automatic identification systems (AIS) / Voyage recorder (black boxes)(VDR)***

6. The EEA EFTA States fully support the objectives underlying the proposal for making the installation of AIS and a VDR, respectively, mandatory. However, in order to ensure harmonised requirements for all ships, whether flagged within the EEA area or not, the EEA EFTA States would prefer to have such requirements made mandatory through the relevant IMO instruments.

***Art. 10 paragraph 4 - Notification by ships carrying dangerous or polluting goods***

7. It follows from this Article that the operator, agent, or master of the ship must communicate electronically the cargo information indicated in point 5 of Annex III to the port authority or the competent authority.

8. Most vessels do not have equipment suitable for transmission of electronic messages in the formats needed for sending EDI messages directly into a TCP/IP based system. This should be taken into consideration, and the text in Article 10, paragraph 4 ought to be amended accordingly. The vessels should be permitted to transmit information by any means of communication. This provision could, however, underline that in order to streamline and accelerate the transmission and utilisation of information, routines based on the use of Internet are recommended.

9. Consequently, the EEA EFTA States suggest that Art. 10, paragraph 4, first sentence be amended as follows:

*“The operator, agent, or master of the ship ought to communicate electronically the cargo information indicated in point 5 of Annex III to the port authority or the competent authority.”*

***Art. 10 paragraph 5 - ships in transit***

10. This provision lays down obligations for ships in transit. The EEA EFTA States support this proposal, provided that it is established that this is in conformity with the Convention of the Law of the Sea.

***Art. 15 - Measures in the event of exceptionally bad weather***

11. It is suggested that Article 15 should be amplified. The EEA EFTA States would like to emphasise the need for considering and clarifying the competence and responsibilities of the operator of the ship and the Port State Authorities in this context. In addition, EEA EFTA States would like to emphasise the need for guidelines on this matter, to ensure a uniform application of the provision in the different Member States.

***Art. 17 - Ports of refuge***

12. The right to seek port of refuge follows from the Law of the Sea.

13. The EEA EFTA States agree on the need for the plans provided for in this Article, in order to achieve transparency and predictability. It is important that parties involved have clear and defined responsibilities. Furthermore, it should be made clear in this provision that such plans should only be recommendations for the choice of port of refuge.