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STANDING COMMITTEE OF THE EFTA STATES

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SUBCOMMITTEE II ON THE FREE MOVEMENT OF CAPITAL AND SERVICES

EEA EFTA Comment on the proposal for a directive amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (COM(2005)589 final)

I Executive summary

The EEA EFTA States welcome the Commission's proposal for a directive amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system. In particular the EEA EFTA States support the suggested principles of sharing information between maritime administrations in Europe, the explicit introduction of SafeSeaNet, harmonising requirements on "places of refuge" and compulsory fitting of AIS on board fishing vessels with a length of more than 15 metres. The EEA EFTA States agree that these rules will improve the operational procedures designed to respond effectively to emergency situations.

The EEA EFTA States have concerns about some aspects of the proposed amendments as regards the question of confidentiality, the Member States' right to request information and the use of long-range identification and tracking of ships (LRIT) in domestic voyages.

II Confidentiality

Article 24

The EEA EFTA States support the initial proposal by the Commission. Article 24 sufficiently secures the confidentiality of information gathered in accordance with the Directive, and thus it is not deemed necessary to amend the Article as proposed by the European Parliament.

The European Parliament has, due to concern about commercial misuse of information received in accordance with the Directive, proposed the following amendment to Article 24: *“Member States shall, in accordance with their national legislation, prevent AIS and LRIT-data transmitted by ships from being made available or used for purposes other than safety, security and protection of the environment”*.

It is the understanding of the EEA EFTA States that the wording in the amendment should be interpreted in such a way as not to be in conflict with the national authorities' right to use information in order to enhance the efficiency of maritime traffic. We stress that this interpretation is in accordance with the objectives of the Directive stated in Article 1: *“The purpose of this Directive is to establish a vessel traffic monitoring and information system with a view to enhancing the safety and efficiency of maritime traffic”*.

The information gathered pursuant to the Directive is valuable to enhance the efficiency of maritime traffic. The EEA EFTA States use, inter alia, consultants who gather AIS data to make statistics on maritime traffic in designated areas to identify obstacles and necessary means, not only to improve safety at sea, but also to enhance the efficiency of maritime traffic.

Article 20 a

The EEA EFTA States support the initial proposal by the Commission concerning Article 20a *“Plans for the accommodation of ships in distress”*.

In Norway plans for places of refuge have been established in accordance with the Commission's proposal. Information on plans and places of refuge has been made available to the general public through the Internet in accordance with the principle of transparency. It is the view of the EEA EFTA States that the plans and places of refuge in the Member States should be made public.

The EEA EFTA States have taken note of the European Parliament's proposal for an amendment of Article 20 a, paragraph 3, subparagraph 2 a, where it follows that *“Persons receiving relevant information pursuant to this paragraph concerning emergency plans and places of refuge must guarantee the confidentiality of such information”*.

In accordance with the sovereignty of States and the principle of subsidiarity, the amendment by Parliament should not in any way hinder Member States from deciding to make their national plans and places of refuge public. The EEA EFTA States would like to emphasise the importance of access to information on plans and places of refuge for anyone likely to be involved in a maritime assistance operation, as well as for the authorities of neighbouring Member States likely to be affected by an emergency at sea.

III Member States' right to request information

The Commission has, in its proposal, not taken the initiative to amend Article 14 of Directive 2002/59/EC. The EEA EFTA States agree that an amendment is not needed.

The European Parliament proposes in its first reading an amendment to Article 14, paragraph 2, point c: *“each Member State must be able, upon request, to send information on the ship and the dangerous and polluting goods onboard...”* and *“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”*.

In our understanding, the wording in the amendment does not conflict with the Member States' right to ask for this information before incidents occur. In potentially dangerous situations, time and information of the ship are essential. Information received before an incident occurs can save both lives and prevent damage of the environment. Information of the ship is crucial in regard to decisions on necessary measures to assist the ship.

IV Introduction of automatic identification systems (AIS) for fishing vessels

The EEA EFTA States support the Commission's proposal to introduce AIS to fishing vessels with a length of more than 15 metres (Article 6a (new)), within the time scale proposed in Annex II (I) point 3.

The European Parliament has, however, proposed to limit the obligation to fishing vessels with a length of more than 24 metres.

The EEA EFTA States would like to address the benefits AIS provide for fishing vessels with a length of more than 15 metres.

The quality of the information from AIS is not influenced by, inter alia, difficult weather conditions as other navigation equipment on board these vessels today. AIS will thus improve the navigation of smaller fishing vessels. Furthermore, AIS sends continuous information which makes it possible for vessel traffic centres to place and control the position and navigation of fishing crafts.

The EEA EFTA States are of the opinion that the introduction of AIS for fishing vessels with a length of more than 15 metres will constitute a valuable means to avoid collisions or dangerous situations with larger vessels that can put seafarers' lives in danger or cause spills with a negative effect on the environment. In this regard, it can also be mentioned that costs related to the installation of AIS are relatively low and that the exchange on AIS information between vessel traffic centres and fishing vessels will not generate running expenses for fishing vessels.

The EEA EFTA States urge the Community to adopt the Commission's initial proposal requiring fishing vessels with a length of more than 15 metres to be equipped with AIS, preferably within the proposed timetable.

V Use of the long-range identification and tracking of ships (LRIT) in domestic voyages

The European Parliament has proposed an amendment to Article 6 b (new), concerning the requirements for the fitting of LRIT equipment on board ships engaged in domestic voyages between ports of a Member State of the European Union.

The EEA EFTA States would like to call for an assessment of the added value of introducing LRIT for these ships. The assessment should include an evaluation of the utility of LRIT as well as a cost-benefit analysis.

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