

PORT-NET Workshop



Third Maritime Safety Package

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MARITIME SAFETY PACKAGE III



- **Flag State compliance**
- **Accidents/casualty investigation**
- **Amendments to the vessel traffic monitoring Directive**
- **Amendments to the port state control Directive**
- **Classification Societies**
- **Liability: Transposition of the Athens Convention into EC law**
- **Civil liability and financial guarantees for shipowners**

PORT STATE CONTROL



- **The aim to move away from a 25% inspection requirement for all visiting ships towards concentrated inspections of substandard ships is fully supported.**
- **The desire to emphasize on flag state compliance / performance as a criterion for port state inspection is supported too.**
- **The proposal to name and shame poorly performing companies needs careful reflection.**

VESSEL TRAFFIC MONITORING



■ Places of refuge

→ ECSA supports:

- **Obligation for Member States to provide appropriate places of refuge for ships in distress**
- **An independent competent authority designating a place of refuge (e.g. SOSREP)**
- **Alignment of EU rules with IMO Guidelines**
- **A certificate of entry into a P&I Club to be sufficient as evidence of financial guarantee for admission to a place of refuge**

ATHENS PROTOCOL 2002





SUPPORTED

- **Ratification of the Protocol by EU Member States and its incorporation into EC law**
 - **Strict liability up to 250.000 SDR (€ 287.500)**
 - **Fault-based liability up to 400.000 SDR (€ 460.000)**
 - **Compulsory insurance**
 - **Direct action**
 - **Scope: International voyages**
- **Alignment of the Regulation with the IMO solution on carriers' liability for terrorism risk**
 - **250.000 SDR / passenger or USD 500 million per incident**



QUESTIONED

- **Extension of Protocol to domestic voyages (and inland navigation) without a proper financial impact assessment**
- **A separate compensation regime for disabled people (reduced mobility)**
- **Advanced payment in case of death or personal injury**
- **Pre-journey information to passenger**



EC DECISION-MAKING PROCESS

■ European Parliament

- Rapporteur supports proposal entirely
- But proposal transitional period before applying the Protocol to domestic traffic.

■ Council

- Questions added value of proposal
- Prefer a pure ratification of the Protocol
- Calls upon the Commission for an impact study

DIRECTIVE ON CIVIL LIABILITY/FINANCIAL GUARANTEES FOR SHIPOWNERS



- **Ratification and incorporation of 1996 LLMC**
- **Mandatory financial guarantees for all ships**
- **State certificates**
- **Notification obligation for all ships entering EEZ of Member States**
- **Mandatory financial guarantees for abandoned seafarers**
- **Direct action for any claim**
- **Gross negligence as conduct barring limitation for non- 1996 LLMC flagged ships**



SUPPORTED

- **A PROMPT RATIFICATION OF 1996 LLMC AS WELL AS OF HNS AND BOC**
- **MANDATORY INSURANCE FOR SHIPS BUT IN LINE WITH IMO GUIDELINES ON SHIPOWNERS' RESPONSIBILITIES FOR MARITIME CLAIMS**
- **INSURANCE FOR COVERING COSTS OF ABANDONED OF SEAFARERS BUT VIA ILO**



DOUBTS/CONCERNS

- **GROSS NEGLIGENCE FOR NON-1996 LLMC SHIPS**
 - No different liability regime
 - Recklessly + knowledge
- **INSURANCE UP TO THE DOUBLE OF THE 1996 LLMC CEILINGS FOR ALL SHIPS**
- **STATE CERTIFICATES AS EVIDENCE OF INSURANCE**
 - Certificate of entry into P&I Club as evidence
- **DIRECT ACTION FOR ALL CLAIMS**
 - Direct action for specific claims in line with relevant IMO Conventions

EC DECISION-MAKING PROCESS



■ European Parliament

- Amendments of Rapporteur not welcomed
- Industry views expressed in alternative amendments

■ Council

- Refuses to start discussing this controversial directive



THANK YOU...