



ECSA



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**PROPOSAL FOR A DIRECTIVE AMENDING DIRECTIVE 2002/59 ESTABLISHING
A COMMUNITY VESSEL TRAFFIC MONITORING AND INFORMATION TRAFFIC
SYSTEM**

**COMMENTS BY
EUROPEAN COMMUNITY SHIPOWNERS' ASSOCIATIONS AND
INTERNATIONAL CHAMBER OF SHIPPING**

In general the proposed text amending Directive 2002/59/EC is welcomed but the following comments are offered.

Traffic Monitoring & Tracking

We welcome:

- The concept of information sharing between existing monitoring systems on a Europe-wide basis.
- The provision to accommodate emerging and future technology.
- The recognition of IMO plans for Long Range Identification and Tracking.
- Information sharing on dangerous goods including requirements on the shipper to provide information to the ship.

We welcome the proposed requirement for AIS in fishing vessels above 15m but with the following cautions:

- IMO has adopted a performance standard for Class A AIS in support of the carriage requirement for SOLAS ships. The functionality of Class A does not seem appropriate for fishing vessels and in particular the need to provide data linkage with a type approved transmitting compass and the ship's log have proved problematic in SOLAS ships and could prove very difficult in a relatively small fishing vessel. We take the view that Class B AIS is a more appropriate requirement for fishing vessels but even this must be qualified.
- Class B AIS is an accepted concept as far as the ITU is concerned and IEC is currently engaged in drafting a Class B performance standard. It is not known whether IMO hopes to adopt a Class B performance standard although, in due

course this seems to be a sensible way forward. The current text only refers to an AIS performance standard adopted by IMO, the Directive needs to be clear that Class B is the intended outfit.

- The concept of Class B is a simple standalone system with no requirement for connection to ship's sensors. This difference is important to the mariner observing Class B AIS information on board a Class A fitted ship. Class B data will be confined to course and speed 'over the ground' whilst Class A data is true course and speed. This important difference will have to be made very clear to mariners. Whilst AIS is not legally approved for collision avoidance decision making, it is inevitable that the differences in data presentation will, on occasion, cause confusion.
- Experience with the fitting of AIS in SOLAS ships has shown that some equipment was not correctly set up by the supplier. This manifests itself through the incorrect transmission of hard-wired data such as the ship's identity. It is recommended that requirements for initial testing are put in place to avoid this happening when fishing vessels are outfitted.
- The growth in the use of AIS in smaller craft has the potential to make watchkeepers reliant on electronic systems. However many craft will not have AIS and the obligation to 'keep a proper lookout by sight and hearing as well as by all available means' should be stressed wherever appropriate.

We have a concern with the reference to 'beacon-based' tracking systems. There are no SOLAS requirements for such a system and clarification should be sought that this reference applies only to EU flagged fishing vessels.

Obligations on the Shipper (Article 12)

While the clear obligations for shippers are welcome, it can only be enforced on the shippers located in the EU. It is not clear what the carrier should do if they receive goods for which no such declaration is provided, either from a non compliant EU shipper or from a shipper outside the EU; this should be clarified to avoid the possibility of ships being sanctioned for something beyond their control.

Measures in the event of risks posed by ice (new Article 18a)

We welcome the provisions. However, to avoid possible problems with the ice rules laid down by some classification societies it would be helpful to have states standardise their ice rules; there could be unified requirements from IACS or other leading societies in order to avoid such possible conflicts.

Places of Refuge (Article 20)

We welcome the initiative to place requirements on Member States to provide appropriate places of refuge for ships in need of shelter and the requirement to designate an independent competent authority is supported. The outline provisions appear to align with the IMO Guidelines and every effort should be made to ensure that no conflict between the requirements is inadvertently created.

We can see no need for the location of possible places of refuge to be made public and the proposal seems to accept this point.

While the provisions in general appear to apply to all ships in distress, including ships which do not pose any significant environmental threat, much of the text relates to ships posing a threat to the environment only. This may be acceptable on the understanding that ships not posing a significant environmental threat would receive an even simpler and quicker response for refuge to save the crew and the ship.

The Preamble and Article 20b refer to financial guarantees for admission to a place of refuge. It is proposed that a certificate of entry in a P&I Club should be sufficient security for entry to a place of refuge. It is noted that the absence of a certificate is no excuse for not providing a place of refuge.

SafeSeaNet (Article 22a)

The mandatory use of the system as proposed is supported. It is important to ensure, however, that it does not result in increased administrative or cost burdens for the industry, that there is harmonisation with international rules and that confidentiality vis à vis any possible commercial implications is taken into account.

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