



International Maritime Conventions and EU Legislation

Seminar on Ratification of Conventions

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Introduction

➤ European Union

- 28 member States
- 506 million inhabitants
- 4.3 million km²
- 66,000 km coast line
- Large national shipping registers





Introduction

➤ European Union

➤ Agreed by the Council of Ministers and the European Parliament

- Directives
 - To be implemented into national law
- Regulations
 - Directly applicable in all member States





Introduction

- Maritime safety regulations by the EC
 - „Pre-ERIKa phase“ 1978 – 1999
 - „Post-ERIKa phase“ 1999 –





Introduction

- Pre-ERIKA phase
 - First EU Directives and Regulations followed closely IMO instruments
 - Focus on the facilitation of the implementation of IMO instruments





Introduction

➤ Pre-ERIKA phase

➤ Milestones

- 1978 – deep sea pilots in North Sea and English Channel
- Early 1990s – transfer of ships between registers, minimum safety and health requirements





Introduction

➤ Pre-ERIKA phase

➤ Milestones

- 1993 – communication on „A Common Policy on Safe Seas“
 - A number of Directives and Regulations targeting the implementation of important IMO instruments in EU member States (PSC, ISM Code, technical standards etc.)



Introduction

- Post-ERIKA phase
 - From following to shaping IMO developments
 - „ERIKA“ packages





Introduction

➤ ERIKA I

- Revised „Classification Directive“
- Revised PSC directive
- Accelerated phasing-in of double hull tankers





Introduction

➤ ERIKA II

- Traffic monitoring and information directive
- Establishment of EMSA





Introduction

➤ EMSA

- Established in Lisbon 2002
- 200+ employees
- 58.8 million EURO budget (2013)





Introduction

➤ EMSA

- provides technical assistance and support to the European Commission and Member States
- development and implementation of EU legislation on maritime safety, pollution by ships and maritime security
- operational tasks in the field of oil pollution response, vessel monitoring and in long range identification and tracking of vessels





Introduction

➤ EMSA

➤ Auditing activities

- STCW
- Recognized organizations





Introduction

- ERIKA III (3. Maritime Safety Package)
 - Quality of Member State Flags
 - no black or grey listing in Paris MOU
 - Incorporate VIMSAS into EU Law
 - Classification Societies
 - PSC, Risk based targeting
 - Accident Investigation
 - Liability and Insurance





Anti Fouling

- IMO: International Convention on the Control of Harmful Anti-fouling Systems on Ships
 - Entry into force dates proposed in the convention: TBT no longer applied: 1 July 2003
TBT not on the ships surface: 1 January 2008
Convention finally came into force 17 September 2008





Anti Fouling

- EU: REGULATION (EC) No 782/2003 on the prohibition of organotin compounds on ships
 - Mandatory implementation of the IMO approach EU flagged ships: 1 July 2003 (no application of TBT) All ships in EU waters: 1 January 2008 (no TBT on surface)





Marine Equipment Directive

- EU: COUNCIL DIRECTIVE 96/98/EC on marine equipment
 - „Conformity assessment“ by „Notified Bodies“, to be accepted by all other EU Member States. (Wheel-mark)





Marine Equipment Directive

- IMO: no comparable requirement but approval standards in the different instruments like SOLAS or LSA Code
 - Approval of equipment is a matter of the Maritime Administration or the Recognized Organization





Marine Equipment Directive Critical Aspects

- Notified Body does not need to be a Recognized Organization
- A Notified Body is nominated and supervised by a Member States , not by the Flag State
- Formal compliance with IMO conventions in case approval not necessarily done by MARAD or RO?
- Acceptance of „Wheel-marked“ equipment in case of transfer of Flag?





Ship Recycling

- IMO: HONG KONG INTERNATIONAL CONVENTION FOR THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS, 2009
- EU: REGULATION (EU) No 1257/2013 on ship recycling
 - Additional hazardous materials listed for the „inventory of hazardous materials“ (IHM)





Ship Recycling

- Requirements for shipowners: EU shipowners only to use approved recycling facilities
- Requirements for recycling facilities: EC will maintain a list with recycling facilities approved against a set of criteria (factually eliminating approval for facilities using beaching)





MARPOL Annex I

- IMO: MARPOL Annex I Regulation 13G,
Double Hull requirements for existing tankers
 - No large single hull oil tanker over 25 years (30 years in case of SBTs acc. to Reg 13E), End date would then have been 2020/2025





MARPOL Annex I

- EU: REGULATION (EC) No 417/2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers
 - introducing a shortened scale ending 2015 for ships entering EU port and flying EU Members state's flag
 - resulted in a revision of MARPOL Annex I Reg 13 G (now Reg 20) with a similarly shortened timeline and the same end date.





Conclusion

- In several cases EU uses own legislation in areas where international law exists for four main reasons:
1. To promote the international instrument and support early implementation
 2. To add regional standards to an international instrument





Conclusion

3. To implement own ideas on ship safety or free trade within the wider framework of the international law
4. To initiate and promote renegotiation of an existing instrument





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