



ECSEA Newsletter

European Community Shipowners' Associations

• N° 3/09

THIRD MARITIME SAFETY PACKAGE *Adoption of the full Third Maritime Safety Package by European Parliament welcomed.*

On 11 March 2009, the European Parliament adopted the Third Maritime Safety Package, which consists of 8 legislative texts. The adoption marks the end of more than three years of discussion with the European Commission and the Council of Ministers.

The original Third Maritime Safety Package was issued in November 2005 as a follow-up to the Erika I and Erika II Package. Contrary to the Erika I and II Packages, the Third Maritime Safety Package was not a reaction to a disaster but it is aimed at addressing some shortcomings in existing legislation, notably in the field of port state control, vessel traffic monitoring and classification societies. Moreover, it was aimed at tackling some new issues, in particular accident investigation, flag state compliance, insurance of shipowners for maritime claims and liability of carriers of passengers by sea (Athens Convention).

Three reading procedures were needed before the European Parliament and the Council of Ministers could reach a compromise agreement on five proposals in December 2008. These proposals related to port state control, vessel traffic monitoring, classification societies, accident investigation and liability of carriers of passengers by sea. It was this compromise agreement which was formally adopted by the European Parliament on 11 March 2009.

Discussions between the Council and the European Parliament on the proposals relating to flag state compliance and insurance of shipowners for maritime claims were more controversial and it was therefore decided to discuss them

separately from the five other proposals from the Package. In December 2008, the Council eventually managed to reach a Common Position on these two remaining texts, which was formally approved by the European Parliament on 11 March 2009.

ECSEA welcomes the adoption of the Third Maritime Safety Package as a balanced package of measures, which will further improve maritime safety in European waters.

THE FUTURE OF TRANSPORT

The Commission (DG TREN Directorate A - Internal market & sustainability) is working on a Communication on an overall "Future of transport policy". This Communication will not be a policy orientation but rather a kind of think tank preparing a new White Paper on overall transport policy to be issued in 2010. The Communication that will be adopted in June 2009 will take into account:

- A study on the evaluation of the past
- A trans vision study
- Reports of 3 Focus Groups (Economy and society, the environment and technology and infrastructure and logistics).

A stakeholders conference took place on 9/10 March 2009. Mr Emanuele Grimaldi and Alfons Guinier participated for the shipping sector as speakers/panel members. Attention was drawn to the urgent need for extension of ports and hinterland connections in the context of co-modality. The TEN-T should include such projects. Also improvements of the efficiency of the nodal points particularly of port services were requested. Emissions and in particular the climate change were key points in most presentations. For shipping the de facto good CO2 footprint due to the combination of the mass effect and the distance involved was explained.

Innovation in ship design and on engines, have resulted in much lower energy consumption and ongoing improvements in emissions. Further measures on carbon for shipping should be dealt with globally through the IMO. It was reiterated that Shipping remains committed to further enhance its key role for European and global trade.

MOTORWAYS OF THE SEA

Two new Motorways of the Sea projects between France and Spain

On 27 February 2008, France and Spain signed a joint declaration concerning the two Motorways of the Sea projects selected under the 2007 call for proposals.

Both countries will give a total amount of € 30 million as a start-up subsidy to these two projects (own funding) spread over 5 years. A special clause allows both Member States to recover a part of the subsidy in case of good performance of the services.

The first project will establish a service between the French ports of Nantes-Saint-Nazaire and Le Havre and the Spanish port of Vigo, with a possible extension to Algeciras in 2010.

The second project will link the French port of Nantes-Saint Nazaire and the Spanish port of Gijon.

The next TEN-T Motorways of the Sea Call is expected to be launched on 30 March and to be closed on 15 May 2009.

PIRACY OFF THE SOMALI COAST

Signing of Agreement between EU and Kenya on the conditions of transfer of suspected pirates to Kenya

On 6 March 2009, the European Union and Kenya signed in Nairobi an agreement on the conditions of transfer of suspected pirates to Kenya.

This agreement defines the modalities for the transfer of persons detained in the course of counter-piracy operations by the EUNAVFOR ATALANTA to Kenya for

prosecution. By enabling EUNAVFOR to bring pirates to justice, the agreement will enhance the deterrence effect of the operation.

EUNAVFOR was launched on 8 December 2008 to tackle the problem of piracy emanating from Somalia, in order to contribute to the protection of vessels of the WFP (World Food Programme) delivering food aid to displaced persons in Somalia and the protection of vulnerable vessels in the area of operations in the Gulf of Aden. Since its launch, EUNAVFOR ATALANTA has proved successful in deterring a number of piracy acts.

INTERNATIONAL TRADE AND MARKET ACCESS

National economies are under severe stress, stimulating reactions to take remedial measures at national level. This brings dangers to what is already a global market economy and can only intensify and prolong the crisis. From many sides and political levels warnings against protectionism have been voiced, but there are signs of such moves. Some 87 were recently identified, including in textiles, in the agri-food industry, in raw materials, in iron and steel, in automobiles. Ten G20 countries are involved. The effects can only add to already much reduced transport volumes.

Also DG Trade Commissioner Catherine Ashton stresses the case for preventing protectionist moves with as strongest anti-tool a completion of the WTO-DDA Round, for which renewed technical talks are starting again in Geneva. Not all – including the USA – are convinced that the delicate compromises on sensitive issues as reached in November can be maintained as a basis for progress.

In parallel to these grand multilateral and also bilateral trade agreements the European Commission is very active in promoting external trade, as a continuing effort. The Market Access Strategy includes the setting up of Market Access Teams in third countries, bringing together

European Community Shipowners' Associations

industry representatives, embassies and the EU Delegation. The main objectives are resolving problems and obstacles on the spot with the authorities, as well as offering a platform for exchanges. In some countries there are already EU chambers of commerce. Shipowner representatives are recommended to join or at least monitor these teams. Where these do not (yet) exist initiatives can be developed, including specialist sub-group like on transport and maritime issues.

For further information and data useful links are:

Market Access Teams:

http://trade.ec.europa.eu/doclib/docs/2008/july/tradoc_139897.pdf

Market Access database:

<http://madb.europa.eu/mkaccdb2/indexPublic.htm>

The Export Helpdesk:

http://ec.europa.eu/trade/issues/global/development/thd_en.htm

In December a communication was published reporting on market access and setting the framework for more effective international regulatory cooperation

http://ec.europa.eu/enterprise/international_relations/docs/com_2008_0874_en.pdf

The "Enterprise Europe Network" can help notably SME's expanding their markets, quite possibly of interest also to shipping companies from a marketing point of view, including eventual participation in training seminars for explaining intra European and international (maritime) transport.

13 March 09