



# **ECSA Newsletter**

**European Community Shipowners' Associations**

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## **PIRACY**

### ***A global strategy necessary***

Piracy in international waters is regrettably still causing a lot of concern. One of the problems remains the prosecution of pirates. The EU has concluded transfer agreements with Kenya and the Seychelles and an agreement with Tanzania is in process. Agreements with other countries in the region are under discussion. EU Foreign Ministers confirmed at the Council that the EU is committed to a regional approach, based on regional ownership and EU support for the countries in the region in their efforts to ensure the prosecution of suspected pirates. High Representative Catherine Ashton is in discussions with the countries concerned.

The EU Foreign Affairs Council of Ministers agreed on 14 June to prolong the ATALANTA operation for another two years until December 2012. The Council also agreed in principle to extend the area of operations further to its East and South in order to respond to the increased range of pirates' attacks. Finally, the Council strongly encouraged the international maritime community to further promote full adherence to recommended best practice.

At its meeting in Antwerp on 30 June the ECSA Board of Directors strongly stressed the necessity of a global strategy on the eradication of piracy. This should include dissuasive naval forces with more effective terms of engagement and more means for prosecution.

The Board also made an appeal to all to subscribe to the E-Petition of the shipping industry: <http://www.endpiracynow.org/>

## **PASSENGER RIGHTS**

With approval of the report by Ines Ayala Sender (S&D, Spain), the European Parliament signed up to the trilogue agreement relating to the strengthening of ship passengers' rights, while refusing nonetheless the similar draft agreement applying to the rights of bus and coach passengers, opposing in second reading the Council's draft regulation reached last December.

The Passenger rights' regulation harmonises legislation on ship passengers' rights either at sea or on inland waterways, and introduces a series of provisions aimed at bringing the rights of ship passengers into line with the legislation already existing in the air and rail sector. The new rights include amongst others:

- guarantee of reimbursement or rerouting in situations of cancellation or of delay at departure of more than 90 minutes,
- adequate assistance (such as snacks, meals, refreshments and, where necessary, accommodation up to three nights, with a financial coverage up to € 80 per night) in situations of cancellation or delay at departure of more than 90 minutes,
- compensation, between 25% and 50% of the ticket price, in situations of delay in arrival or cancellation of journeys,
- non-discriminatory treatment and specific assistance free of charge for disabled persons and persons with reduced mobility both at port terminals and on board ships, as well financial compensation for loss or damage of their mobility equipment,
- minimum rules on information for all passengers before and during their journey, as well as general information about their rights in terminals and on board ships;
- establishment by carriers and terminal operators of complaint handling mechanism available to passengers,

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- establishment of independent national bodies for the enforcement of the regulation, through, where appropriate, the application of penalties.

Transport Commissioner Siim Kallas underlined the need to ensure that all passengers receive high quality services, especially regarding information and punctuality. In the press release published after the vote, he said he hoped the regulation concerning the rights of bus and coach passengers would be swiftly adopted.

The Council will have to confirm the agreement reached with the Parliament for this regulation to be formally adopted. The Regulation is due to enter into force two years after its adoption.

## **FUTURE OF TRANSPORT**

An own-initiative resolution on the “sustainable future of transport” was adopted by the European Parliament on 6 July. The EP resolution, which is based on the report by MEP Grosch (BE, EPP), intends to provide guidance for the European Commission in preparing their forthcoming White Paper on the Future Transport Policy which is expected by the end of 2010/beginning 2011.

Amongst the key points highlighted in the resolution are:

- Need to promote "efficient co-modality", including a shift towards more sustainable modes of transport, “by developing green corridors, reducing bottlenecks and improving rail and waterway transport”.
- TEN-T projects as a priority of EU transport policy, and “continuation of Marco Polo in a simplified form”.
- Focus on research and technological development, notably on intelligent and interoperable transport systems as well as on innovative, energy efficient and clean technologies.
- A number of quantitative targets to be met until 2020, such as a 40% reduction in the number of deaths and serious injuries in road transport, a doubling of the number of bus, tram, and rail passengers, a 20% reduction in CO2 emissions from road transport, a 20% reduction in the energy used by rail vehicles and a 30% reduction in CO2 emissions from air transport.

The European Parliament nonetheless rejected the idea of setting up a transport fund as suggested by the rapporteur, a fund that would be partially formed from structural and cohesion policy resources. A very slim majority of MEPs, on the other hand, adopted an amendment calling for the creation of a mechanism for coordinating the various funding sources already existing (EIB, public private partnerships, national budgets, cohesion policy).

## **EUROPEAN MARITIME TRANSPORT SPACE WITHOUT BARRIERS (SHIP REPORTING FORMALITIES)**

### ***Agreement reached in first reading***

On 6 July, the European Parliament endorsed a compromise agreement reached in first reading with the Council of Ministers on a Commission proposal on reporting formalities for ships entering in or departing from EU ports.

The Commission proposal was the first of a series of measures announced in the Commission Communication on a European Maritime Transport Space without barriers,

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which was issued in January 2009. The new Directive will replace Directive 2002/6/EC on reporting formalities for ships entering in or departing from EU ports and is scheduled to enter into force in 2013.

According to the new Directive, all ships entering in or leaving EU ports will be obliged to transmit requested information (such as flag, the ship's registration number, the estimated time of arrival, etc) at least 24 hours before arrival or departure from the port in case the ship's journey is less than 24 hours. Furthermore, Member States will have to set up single information points, which will receive all transmitted information and link it to all the information coming from electronic systems applied in maritime transport (Safe SeaNet, e-customs and others).

Discussions between the Council of Ministers and the European Parliament were mainly focused on three issues, notably:

- The date for the use of electronic means of data transmission for all reporting formalities
- The use of English as a common working language to facilitate communication and to avoid confusion and administrative delays, and
- The need for a relevant and proportional framework for the granting of Pilotage Exemption Certificates.

On these three points, the compromise agreement provides as follows:

- The date for the use of electronic means of data transmission for all reporting formalities has been delayed from 2013 (i.e. the initial date proposed by the European Commission) until 1 June 2015.
- The provisions on the introduction of English as the common language of maritime administration have been removed. Instead, Member States should make all possible efforts to facilitate written and oral communication in maritime traffic between Member States, in accordance with international practice, with a view to finding common means of communication.
- The reference to the need for a relevant and proportional framework for the granting of Pilotage Exemption Certificates has been taken out of the Directive. Instead, this issue is being referred to in a joint statement by the European Parliament, the Council of Ministers and the European Commission.

The European Commission welcomed the European Parliament's approval of the draft Directive intended to simplify and facilitate the administrative procedures for ships entering and leaving European ports. Siim Kallas, Commission Vice-President responsible for transport said: *"The simplification of administrative procedures for maritime transport is an important step, not only because it will reduce the costs of maritime transport, which is used to deliver almost 40% of goods within the Internal Market, but also because maritime transport is a cleaner and safer form of transport"*.

## **INTEGRATED MARITIME POLICY**

### ***Developments in the Council and EP***

The General Affairs Council adopted its conclusions on the Integrated Maritime Policy on 14 June 2010. The Council highlights the need to pursue an integrated approach to maritime policies, with particular attention to coastal regions and the protection of biodiversity and the marine environment. In the Council's conclusions, reference is also made to the following key points: EU regional Strategies, Maritime Surveillance, Cooperation with non-EU Mediterranean coastal states, Piracy, including possible elaboration of a Security Strategy

for the global maritime domain, and the upcoming Social Maritime Agenda planned for summer 2011.

On 22 June 2010, MEP Gesine Meissner presented to the Members of the TRAN Committee her draft report on the Integrated Maritime Policy. During her presentation, Rapporteur Meissner confirmed the fundamentally positive assessment of the IMP already expressed in Parliament's previous resolutions, and called for ambition to be shown in further developing integrated maritime governance structures and cross-sectoral tools such as Maritime Spatial Planning, integrated maritime surveillance or marine research.

### **BELGIAN PRESIDENCY**

On 1.7.2010, Belgium succeeded to Spain for a 6-month period (until 31.12.2010). During an exchange of views with the European Parliament, Belgian Prime Minister Leterme stressed that the economy, fighting unemployment, "green jobs" as well as immigration, asylum and the recognition of Court decisions would be among his priorities. Supporting industry and research and innovation would also be central.

With regard to the transport sector, the Council will start, under the Belgian Presidency, a policy debate regarding the new White Paper on sustainable transport for 2010-2020 presented by the Commission. Particular attention will be paid to the interconnection between several modes of transport, the development of intelligent transport systems, high-quality public transport, logistics for goods, urban mobility, road safety and the protection of vulnerable users. Moreover, under the Belgian Presidency the Council will proceed with a review of the TEN-T policy and the methods intended to establish an integrated European transport network. In this regard, a special effort will be made to ensure a place for all modes of transport, including maritime and inland ports, as well as their environs, which must be integrated into the European transport network. If the publication by the Commission of a roadmap for the integration of maritime surveillance is confirmed, the Belgian Presidency will initiate a debate on the matter.

The Transport Council's meetings will be held on 15 October (Luxembourg) and on 2 and 3 December (Brussels), whereas an Informal Council meeting will be held in Antwerp on 15-16 September. The latter will be entirely devoted to maritime issues, notably the development of "Short Sea Shipping/inland waterways and logistics" as well as the concept of "e-maritime".

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