

MARITIME SAFETY AND ENVIRONMENTAL PROTECTION IN EUROPE

Markku MYLLY - Executive Director, European Maritime Safety Agency
EMSA's Role in Making the Maritime Regulatory System Work

Introduction

As shipping is of strategic importance to the EU economy, so is its safety, security and environmental protection. Maritime safety policy and related legislations promote high-quality standards and aim at increasing the protection of both human lives and the environment.

The gross added value of the maritime sector to the European Union (EU) is estimated at €500 billion, providing jobs for approximately five million people. Over 90% of European Union external trade, and 37% of the intra-EU trade goes by sea. Effective, safe, and secure management of the maritime domain for transport and trade is therefore of critical importance.

Over recent decades, the emergence of safety and environmental regulations at the international level, growing body of European legal *acquis*, and the transposition of such legislation at national level, has resulted in a strong regulatory framework. However, to ensure that these are implemented effectively at an operational level, it is also necessary to put systems in place for monitoring compliance with such regulations in the maritime sector, and for taking steps when vessel owners, operators, and crew are found to be non-compliant. European authorities therefore need detailed, reliable and timely knowledge about what happens at sea. Monitoring large numbers of vessels over extensive sea areas and calling at several ports, is a challenge; but adequate surveillance followed by effective enforcement is one of the few options open to authorities in order to ensure that actors in the maritime sector comply with safety and envi-

ronmental regulations. EMSA, the European Maritime Safety Agency, has a role in supporting European authorities in these tasks.

About EMSA

The European Maritime Safety Agency is one of the EU's decentralised agencies, and was established in 2002 by Regulation (EC) No 1406/2002. Based in Lisbon, the Agency provides technical assistance and support to the European Commission and Member States in the development and implementation of EU legislation on maritime safety, pollution by ships and maritime security. It has also been given operational tasks in the field of pollution response, and vessel monitoring and tracking.

These tasks are carried out by various means, principle amongst which are the information systems EMSA has established for maritime monitoring and in support of port State control activities. EMSA hosts and operates: CleanSeaNet, the European satellite-based oil spill and vessel detection service; SafeSeaNet, the European vessel traffic monitoring and information system; the European Union Long Range Identification and Tracking Cooperative Data Centre (EU LRIT CDC); and THETIS, in support of the port State control inspection regime. These systems streamline and speed up the exchange of information between maritime authorities on ship-source pollution, on vessel movements, and on the condition of ships that call in European ports.

Information made available through these systems, even if not always explicitly designed for enforcement purposes, can be extremely valuable to authorities engaged in ensuring compliance with the relevant international and EU regulations. Combining information from more than one system reinforces the added value to be obtained, and can provide users with a more complete overview of activities at sea.

(Non-)compliance with maritime safety and environmental regulations – Support by systems, applications and innovations

Non-compliance with regulations may be due to lack of awareness of the instruments in force, negligence (such as poor maintenance of equipment), or deliberate violation (sometimes even actively promoted by the company). Whatever the cause, it usually takes the form of identifiable actions/inactions on both the part of ship operators, and of the ship master and crew.

When at sea, the risk of being caught violating safety or environmental legislation is often lower further from the coast than in coastal areas. Not only is there less clarity on the high seas with regard to jurisdiction and the type of legislation in place, there is also less surveillance and no inspections. Coastal vessel tracking monitoring systems such as SafeSeaNet are still predominantly based on location information contained in Automatic Identification System (AIS) messages, which are limited to VHF range of coastal stations. In Europe, monitoring of ship-sourced pollution by synthetic aperture radar (SAR) satellite also has much denser coverage in coastal areas.

Port State Control Inspectors have limited time to carry out inspections which cover a wide range of aspects.

It is apparent therefore that surveillance, inspections, and subsequent enforcement efforts, along with other measures, are important to ensure the objective of widespread compliance with safety and environmental regulations. Given that enforcement responsibilities are shared between coastal, port and flag States, ensuring compliance with regulations is also only possible through international cooperation. Various factors related to jurisdiction may have to be taken into consideration: a vessel may be travelling between the ports of two different States, and flying the flag of yet another State. In addition, the parties responsible for the ship may be registered somewhere else entirely, and the crew may well comprise individuals of various nationalities. Ensuring exchange of information in a rapid and harmonised manner is therefore also important.

Conclusion

I mentioned before the monitoring and information systems operated at EMSA. Of these systems for example CleanSeaNet and THETIS provide two clear examples of how improved monitoring and surveillance, and a regular system of inspections, can make a difference in the day-to-day implementation of the law. Firstly, authorities can obtain the information they need to plan regulatory activities. Secondly, the likelihood that violations will be detected is substantially increased. Thirdly, the rapid exchange of information through the systems supports a tighter link between detections and follow-up, promoting more efficient use of limited resources. Finally, the standardised exchange of information between different States (along with related activities such as user group trainings) enhances the harmonisation of practices across Europe, thereby addressing to some extent the difficulties encountered in law enforcement in an international context such as the maritime sector.

It should be emphasized that ensuring compliance with maritime regulations requires more than monitoring and enforcement. Equally important is changing norms and expectations in the sector, and encouraging cooperation between ship owners and operators and maritime authorities. Building communities of knowledge, promoting learning, and exchanging best practice has an important role to play. Compliance in Europe is improving, and this is due to concerted efforts on the part of all actors involved, public and private, and to the range of different measures being taken, not only through legislation and implementation, but also on a voluntary basis. The role of EMSA in supporting these measures is varied; the Agency has adapted its areas of activity along with the changing needs of the Commission and Member States, and no doubt will continue to do so in future. EMSA is at the heart of EU efforts to 'promote a safe, clean and economically viable maritime sector'.