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EXECUTIVE SUMMARY

Ex-post evaluation of Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system

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EXECUTIVE SUMMARY

This ex-post evaluation looks into the performance of Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (VTMIS). It assesses the relevance, effectiveness, efficiency, coherence and EU added-value of the Directive and in particular the system - the Union Maritime Information and Exchange System (SafeSeaNet) – it has set up. The evaluation was initiated in October 2016 and finalised in January 2018. It covers the period from 2009 until 30 June 2016 in the 24 EU Member States in which the Directive has been implemented.

Action in the area of maritime transport aims at ensuring the long-term performance of the European maritime transport and traffic system as a whole for the benefit of all other economic sectors and the final consumer. EU policy promotes strict implementation of maritime safety, security and pollution prevention rules, aiming to reduce the risk of serious maritime accidents and minimizing the environmental impact of maritime transport, while maintaining competitiveness.

The VTMIS Directive transposes international law related to the notification and monitoring of vessels transporting dangerous goods destined for or leaving ports in a Member State or sailing along its coast. The evaluation therefore looks, inter alia, into its impact on maritime safety and other obligations, both national and international, on Member States incumbent on them as coastal States. It does not question the international instruments, to which all EU Member States are contracting parties, but instead looks at their effective implementation and application as incorporated into EU law.

It also considers the extent to which the legislation is coherent and interlinks with other relevant EU legislation (i.e., obligations on Member States as flag and port States) as well as any potential areas for administrative burden reduction and simplification, including its link to reporting formalities. The underlying evaluation support study was done in conjunction with the related Reporting Formalities Directive.

Coastal states have a crucial need for accurate information on the location of vessels and what they are carrying as well as the ability to communicate and share such information within and between concerned Member States. In particular a State with a coast must be in a position to monitor (and direct as necessary) maritime traffic and to be able to take mitigating measures should an incident or accident occur. This is particularly important when it comes to carriage of dangerous or hazardous goods: to be able to intervene as early as possible to save lives and counteract any pollution, underlining the core maritime policy principle of ensuring safety and environmental protection.

The VTMIS Directive introduced a legal reporting (notification) obligation on the master, operator or agent into the system. It also ensured a more uniform implementation of international requirements related to the Automatic Identification System (AIS) as well as the Long Range Identification and Tracking system for ships (LIRT). It furthermore introduced the provisions related to ships in need of assistance seeking a place of refuge.

The Directive provides the legal basis for the establishment of the Union Maritime Information and Exchange System (SafeSeaNet). All concerned Member States participated in setting up the pan-European system consisting of a de-centralised part at national level (national - SafeSeaNet) collecting information required by the VTMIS Directive and other EU legislation, enabling, via the exchange and interoperability mechanism (in the central-SafeSeaNet), the exchanging and sharing of information between authorities upon request.

The system therefore necessarily consists of a de-centralised and a centralised part (node) in an interlinked network. This is hosted and technically managed at the central level by the European Maritime Safety Agency (EMSA). Member States and the Commission cooperate to develop and update the Union Maritime Information and Exchange system through the High Level Steering Group for governance of the digital maritime system and services.

The setting up of the system, administration-to-administration, focusing on simplification and avoiding duplication, was a first step in digital information sharing and involved technical standards and common procedures enabling cross-border and cross-sector communication between EU Member States.

Until 1 June 2015, reporting (notification) required by Union legislation was from ships (business) into the national SafeSeaNet (business-to-administration). The legal obligation was to require that such messages should be available to any Member State on request, where needed e.g. in case of an accident causing pollution.

After 1 June 2015, the Reporting Formalities Directive required that information from business-to-administration should be reported via the National Single Windows. The National Single Window is linked to the national SafeSeaNet and uses the exchange mechanism enabling administration-to-administration exchange. This aimed to allow as far as possible the "reporting once" principle cross-sector and cross-border included in the VTMIS and RFD Directives. Therein lays the possibility for burden reduction as regards reporting both on administrations and on industry, not only at national level but also at EU level.

This interconnected system is essential if we are to meet the goal of establishing a "European maritime transport space without barriers" enabling enhanced efficiency of maritime traffic (the vessels) and maritime transport (goods and passengers) and therefore facilitation, which in turn will boost EU competitiveness as well as maintain the highest levels of safety, security and sustainability.

The overall conclusion of this evaluation is that the Directive has met its stated objectives, illustrating the value of improved cooperation among all authorities involved to deliver EU-wide benefits.

The system established within the VTMIS Directive provides dynamic support to enhance national capacities in meeting international obligations, and carrying out various responsibilities and operational tasks in the maritime domain. The evaluation shows that the Directive continues to play a key role within the EU maritime transport and maritime safety policy. There is little to suggest that the scope of the Directive is not adequate for the attainment of its objectives, or that it is not catering for the needs of the sector overall.

The improved integration of the reported information into the system, together with the AIS and LRIT, enables maritime services, including maritime surveillance capabilities. This has enabled the VTMIS Directive to meet its safety, security and pollution prevention objectives as well as those related to enhanced efficiency of maritime traffic. However, this has not yet led to optimum maritime transport efficiency, especially the potential related to facilitation of trade.

The Directive has largely met expectations among main authorities involved, achieving tangible EU-wide benefits. The EU added value is that there is a single operational EU-wide system serving all stakeholders, and which can be improved further over time with experience, delivering ultimately a more complete integrated maritime information and exchange system, based on the real operational needs of authorities with an interest in the maritime domain. Already today the system is used not only for maritime safety, security and pollution prevention but also for traffic facilitation purposes, as well as for enforcement and control purposes in the related fields of sea border control, fisheries control, health and general law enforcement, further strengthening in operational terms Coast Guard functions support measures at EU level, involving the three key EU Agencies; EMSA, EFCA and Frontex. More integrated maritime services provide synergies enabling improved maritime surveillance and situational awareness.

The evaluation shows that there is general agreement that the current configuration of a national and a centralised SafeSeaNet system network is the correct approach, and that this has helped to reduce burden on the administrations. It has continued to develop building on investments already made and ripping further benefits from those investments. In order to maximise efficiency and avoid duplication of efforts, instead creating synergies, there is therefore merit in building on the existing system. There is also general acceptance that the services have helped to enhance efficiency, especially for maritime traffic, in the sector. What is missing, more optimal maritime transport efficiency, especially trade related aspects, results from the incomplete implementation of the Reporting Formalities Directive.

This notwithstanding, the evaluation has not pointed to any immediate need to introduce changes to the current Directive. Such needs may become clearer depending on the revised proposal of the Reporting Formalities Directive. For the rest the VTMIS Directive and the system set up therein have met their intended objectives and are being used. The system is prepared, in line with policy, for more integration and more information to be reported to it – to allow for the creation of further synergies.