
Update on EU Maritime Policy

INTERTANKO, European Panel

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Presented by Timo Schubert

Port Reception Facilities

- ✦ Directive on PRF from 2000 outdated and no longer fit for purpose / Jan 2018: proposal
- ✦ Main objective: fully align EU rules with MARPOL Annex IV, but with add-ons regarding implementation/enforcement
- ✦ Extends scope of Directive to include all waste (incl. scrubber waste)
- ✦ Clarifies concept of “adequacy of PRF”:
 - “capacity to receive the types and quantities of waste from ships normally using that port, taking into account operational needs of the users of the port, the size and geographical location of the port, the type of ships calling at that port”*
- ✦ Defines “sufficient storage capacity” as:
 - “Enough capacity to store the waste on board from the moment of departure until the next port of call, including waste that is likely to be generated during the voyage”*
- ✦ Ships may proceed to next port without delivering waste if:
 - ✦ A) At anchorage for less than 24 hours or under adverse weather conditions
 - ✦ B) They demonstrate sufficient storage capacity
- ✦ Cost recovery systems: no special fee depending on volume discharged
- ✦ EU legislative process under way

GHG Emissions: EU-ETS

- ✦ Revision of overall EU-ETS system for period after 2020: started in 2015, to be closed in 2018 – formally rubber-stamped in Council yesterday
- ✦ During negotiations shipping contribution was discussed (mainly by European Parliament)
- ✦ Final text: reference to shipping only in recital -
*“The adoption of an **ambitious emission reduction objective** (at IMO) as part of this initial strategy has become a matter of urgency. (...) The Commission should keep this under **regular review**, and should report at least once a year. (...) **Action from the IMO or the EU should start from 2023** including the preparatory work on adoption and implementation and due consideration by all stakeholders.”*

Revision of EU MRV

- ✦ MEPC71 (July 2017) completion of IMO Data Collection System.
- ✦ Commission launched a review of the EU MRV in accordance with Article 22 of the EU Regulation
- ✦ Commission reviewing the situation to align the EU MRV with the IMO DCS.
- ✦ If appropriate: legislative proposal to amend the EU MRV accordingly in 2018
- ✦ A public consultation closed in December 2017, the results of which will feed into the EC's review

Ship Recycling Regulation

- ✦ Brings IMO Hong Kong Convention into force and is broadly aligned
 - ✦ Vessels > 500 GT flying the flag of an EU Member State
 - ✦ Vessels only to be dismantled at EU-approved facilities
 - ✦ Requirement to carry an Inventory of Hazardous Material: all ships calling at EU ports
 - ✦ First list of EU-based SRF (end 2016). Additional EU yards to be added.
 - ✦ Assessment of 23 non-EU yards ongoing (India, US, Turkey, China). First on-site inspection to take place in US (March).
 - ✦ Commission report (August 2017) has ruled out a ship recycling license for the moment but “additional measures on financial incentives will be reassessed at a later stage, based on the analysis of the use and effects of the European List of ship recycling facilities.”
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REFIT on maritime transport legislation

- ✦ The Commission is conducting a regulatory fitness check (REFIT) to assess whether the current framework is still fit for purpose. A report is expected in early 2018.
- ✦ The REFIT exercise covers the following legislation:
 - ✦ Directive 2009/21/EC on compliance with flag State requirements
 - ✦ Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector
 - ✦ Directive 2009/16/EC on port State control
 - ✦ Directive 2002/59/EC on vessel traffic monitoring and information system (VTMIS)
 - ✦ Directive 2008/106/EC on the minimum level of training of seafarers and Directive 2005/45/EC on the mutual recognition of seafarers
 - ✦ Directive 2010/65/EU on reporting formalities

Maritime Safety: forthcoming proposals

Legislative proposals expected by May 2018 as part of the REFIT on maritime transport legislation:

1. Revision of EU Directive on Reporting Formalities
 - ✦ Correcting current lack of harmonisation in implementation of National Single Window for electronic reporting of formalities
 - ✦ Possible implementation of an European Single Window
2. Revision of legislative framework for seafarers' certificates
 - ✦ Update Directive 2005/45/EC to reflect STCW Manila amendments
 - ✦ Revision of Directive 2008/106/EC: EC wants to streamline third countries' recognition process

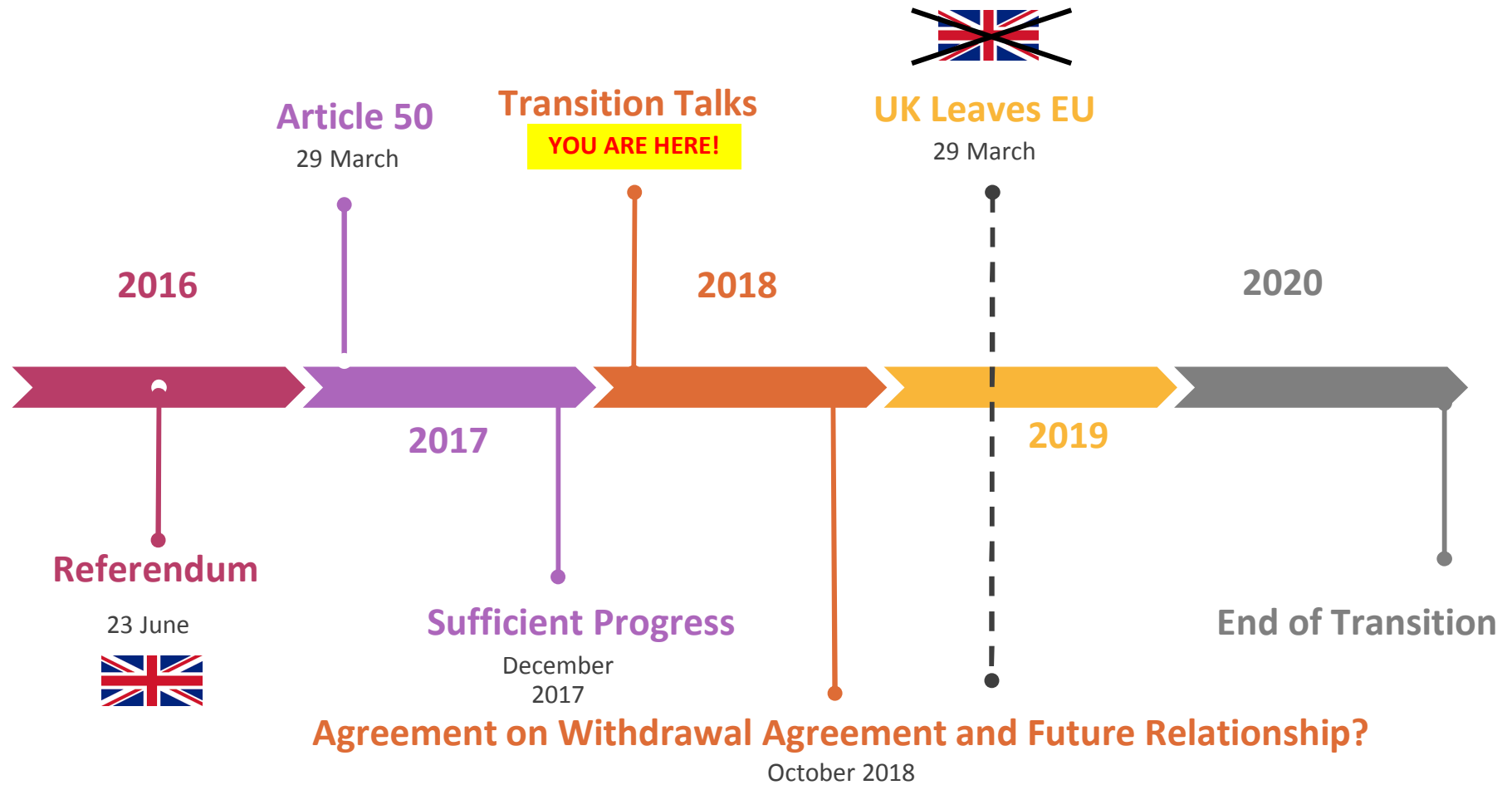
EU General Data Protection Regulation

- ★ Rules for the protection of **natural persons** with regard to the processing of personal data and free movement of personal data by **legal persons**
- ★ Applies to all businesses/organisations established in the EEA collecting personal data from 25 May 2018.
- ★ And to some outside the EEA under certain conditions (e.g. can your services be bought in the EU? Do you use services in the EEA? Does a vessel use an EEA register?)
- ★ Applies to shipowners: collection and sharing of personal data of seafarers, employees and business contacts, immigration documents etc.
- ★ How to prepare? I.a.:
 - ★ Map company data: which data do you collect and why, which data do you need to keep?
 - ★ Check data collection processes for legal compliance (e.g. consent, data portability, etc.) and if needed establish procedures implementing “privacy by design”
 - ★ Assess the need for a data protection officer

Tax havens: black listing of countries

- ✦ Publication of EU list of “non-cooperative tax jurisdictions” in January 2018
- ✦ Goal: reduce tax evasion and encourage third countries to work towards good governance on taxation
- ✦ At present implications are rather limited (no EU funding, and EU Member States may apply countermeasures such as increased monitoring and special documentation requirements)
- ✦ Important: Watch updates to the list. It already contains the Marshall Islands
- ✦ Implications may increase on basis of new EU financial legislation

Brexit Key Dates



Brexit consequences

Brexit will likely impact shipping at least in the following areas:

- **Customs** - all ships sailing to and from the UK may require cargo declarations and undergo custom checks and other controls: congestion in ports.
- **Seafarers** – impact on free movement of seafarers (i.e. recognition of seafarer certificates)
- **Recognition of ROs** – ROs sponsored by the UK will need to gain sponsorship from an EU Member State to continue to be recognised by EU
- **Cabotage** – end of cabotage rights for UK flagged vessels
- **State aid** – EU rules on state aid to shipping and shipbuilding end (e.g. tonnage tax)
- **Competition** – End of DG COMP rulings (e.g. cartels, M&A, etc)

Key dates:

23 March – EU Council – possible agreement on terms of transition

October 2018 – EU Council – possible agreement on framework of future trade

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