



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 October 2008  
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from: Permanent Representatives Committee  
to: Council

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Subject: Maritime Safety:  
(a) Proposal for a Directive of the European Parliament and of the Council on the civil liability and financial guarantees of shipowners  
(b) Proposal for a Directive of the European Parliament and of the Council on compliance with flag State requirements  
- Political agreement

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**DRAFT STATEMENT BY THE MEMBER STATES**  
**ON MARITIME SAFETY**

**Introduction**

1. During the policy debate conducted by the Council on 7 April 2008 on the above two proposals, submitted by the Commission as part of the third package on maritime safety, Member States confirmed their wish to take the necessary measures to implement international conventions in order to place Member States' maritime administrations on an equal footing.

2. In the context of the resumption of work on the two proposals, based on texts submitted by the French Presidency, a draft statement by the Member States on maritime safety was drawn up. This draft supplements the two texts in question and contains political commitments on the part of the Member States, in particular regarding the ratification of international conventions and discussions at international level on the Code for Flagship States and the IMO audit.
3. On examination of the draft statement by the Council's bodies, delegations came out unanimously in favour of such a statement. However, some delegations mentioned constitutional difficulties and national parliamentary prerogatives with regard to ratification of international instruments. Point 8 was accordingly amended. Furthermore, AT proposed replacing the introductory sentence with "The Member States declare/commit themselves". PT proposed the date of 2015 for the deadlines laid down in points 3 and 4.

With a view to an overall agreement, the Presidency submitted a compromise text, which is annexed hereto.

4. All delegations and the Commission maintain a general reservation, particularly on those parts of the text amended following the Coreper meeting on 1 October 2008.  
In addition, MT maintains a parliamentary scrutiny reservation on the whole text.

## **Conclusion**

5. In view of the above, the Council is therefore asked to examine the abovementioned draft statement at its meeting on 9 and 10 October 2008, with a view to its adoption by the representatives of the Governments of the Member States of the European Union meeting within the Council.

**Draft**  
**STATEMENT OF THE MEMBER STATES**  
**On Maritime Safety**

**The MEMBER STATES TAKE THE FIRM COMMITMENT:**

1. To further improve the quality and the performance of their maritime administrations, with the objective that all [...] **Member States** flags be listed on the White list of the Paris Memorandum of Understanding on port State control by 2012 at the latest;
2. To act within the IMO with the aim of achieving, as early as possible, an agreement on a widely acceptable international framework regulating the liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea;
3. To express, no later than 1 January 2012, their consent to be bound by the following international conventions:
  - The conventions listed in Part I point 6 of the "Code for the implementation of mandatory IMO instruments", together with the protocols and amendments thereto, as well as all instruments made mandatory under these Conventions, in their version at the date of adoption of this declaration;
  - The International Convention on Civil Liability for Oil Pollution Damage, 1992;
  - The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992;
  - The Protocol of 1996 to the Convention on Limitation of Civil Liability for Maritime Claims, 1976 and, if applicable, to denounce the underlying Convention;

- The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
  - The Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.
4. To express, no later than 1 January 2013, their consent to be bound by the Nairobi International Convention on the Removal of Wrecks, 2007, or, in the case of landlocked Member States, take **the necessary** measures to **ensure that [...] ships flying their flag are holding a certificate issued by a party to the Convention.**
  5. To express their willingness to apply parts 1 and 2 of the "Code for the implementation of mandatory IMO instruments, 2007", adopted by the IMO through Assembly Resolution A.996(25), and to have their Administration audited by the IMO.
  6. To act in accordance with the relevant provisions of the Annex and the Appendix to IMO Resolution A.996(25) concerning the implementation of IMO instruments by flag States in order to ensure that their competent administrations are able to enforce appropriately the provisions of the international Conventions
  7. To take all appropriate measures within the Community context and in cooperation with other IMO members within the International Maritime Organisation (IMO) in order to render parts 1 and 2 of the Code for the implementation of mandatory IMO instruments as well as the IMO Member State Audit Scheme mandatory at a global level, aiming to minimise disparities existing in the extent to which States comply with their international flag State obligations and thus:
    - contributing to enhance safety, security and protection of the marine environment,
    - safeguarding the international level playing field in shipping which is of crucial importance to the viability of EU shipping.

8. This statement does not affect the competence of Member States to act and to undertake international obligations in this area **in accordance with their constitutional requirements.**

