

# COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 17 December 1993

Proposal for a

## COUNCIL DIRECTIVE

CONCERNING THE SETTING-UP OF A EUROPEAN VESSEL  
REPORTING SYSTEM IN THE  
MARITIME ZONES OF  
COMMUNITY MEMBER STATES

(presented by the Commission)

EXPLANATORY MEMORANDUM

GENERAL INTRODUCTION

1. In its communication on a common policy on safe seas<sup>1</sup> of 24 February 1993 the Commission stressed that the risk of shipping disasters was still very high in the Community's coastal waters.

What is more, a considerable increase in the number and types of dangerous or polluting goods has been observed in recent years, with worsening safety hazards and threats to the marine and coastal environment.

2. Maritime traffic is, then, a potential danger to coastal States as well as a threat to their environment. It is essential for coastal States to have a sufficiently accurate picture of traffic off their coasts.

The need for accurate information on maritime traffic is particularly pressing in two cases:

- (1) Safe and effective control of maritime traffic, in particular the ability to communicate with ships and spot potentially dangerous situations, presupposes that their identity, position, route, and sometimes cargo, must be known to the national authorities, specifically those responsible for maritime traffic management.

This requirement arises in sea areas where traffic is densest, owing to the configuration of the coast or the number of ships, but also arises outside such areas. Shipwrecks and collisions are not uncommon too in areas with less dense traffic, where no special traffic monitoring or management measures apply. At present, coastal States are only aware of part of the traffic being tracked by maritime traffic control centres; with stronger reason, therefore, they are aware of even less of the total traffic in transit off their seaboard.

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1 COM(93) 66 final, 24.2.1993.

(2) When there is an accident at sea the responsible authorities can only act effectively to save lives and property, and to control pollution, if they are provided very swiftly with accurate information on the identity and position of the ships concerned and their cargoes.

The authorities responsible for combating marine pollution need very accurate information very quickly on the kind of substances being carried, so that they can decide on the pollution-control procedures required and any precautionary or emergency measures needed for those exposed, be they crew members or coastal residents. In practice, however, the authorities may often have considerable difficulties in obtaining the necessary information on the ship and, especially, its cargo.

A few examples will illustrate the operational consequences of these gaps in our knowledge of the circumstances attending accidents and of ships' cargoes:

- December 1979: the Iraqi ship "Sinbad" lost 51 cylinders of chlorine off the Dutch coast. Most of them were recovered by the Dutch authorities after search and recovery operations hampered by lack of information on the ship's track.
- January 1984: the Danish "Dana Optima" lost 39 containers and trailers in the North Sea in bad weather. The cargo included 80 drums of Dinoseb, which is highly toxic to both mammals and fish. Recovery operations were delayed and complicated because information on the ship's cargo and track was inadequate.
- August 1984: the French ship "Montlouis" sank off Belgium following a collision. Not until several days had elapsed was it established that the ship was carrying uranium hexafluoride.
- July 1986: the "Olaf" sank in the North Sea. Only after several days did it emerge that the ship's cargo contained heavy metals at high concentrations.

- June 1987: the "Junior" sank in the North Sea; it was subsequently discovered that the cargo included heavy metals and cyanide, both in highly concentrated forms.

3. There is therefore an undoubted need for improved information on the movements of ships at sea and the kind of cargoes they are carrying.

The Council acknowledged this need when, in September 1993, it adopted Directive 93/75/EEC concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods. As the Council also observed, that Directive was only the first step towards a fuller reporting system, covering ships in transit in particular (Article 13 of Directive 93/75/EEC).

The introduction of a fuller vessel reporting system is an appropriate solution, because it would provide information on the identity, position, movements and cargoes of ships in waters off the coasts of Europe.

The expected benefits of a reporting system for navigation and the environment include:

- enabling the response to a casualty to be swifter, more suitable and more effective;
- facilitating safe and efficient maritime traffic management;
- enforcing the rules for marine traffic movements and the protection of the environment by ships;
- supplying information likely to enhance the efficiency of maritime search and rescue.

Apart from cases in which ships have to report before entering harbour, vessel reporting systems in Europe are in their infancy.

Such reporting systems as exist, moreover, are frequently, like the Anglo-French MAREP system, based on voluntary participation by ships.

The voluntary nature of a vessel reporting system undermines its effectiveness, especially as it can be taken that, in some cases, ships which decide not to report are precisely those which would be particularly worth identifying and tracking by coastal States, in particular because of the potential danger to shipping which they may present.

One reason why it is difficult for coastal States to impose such systems lies in the present state of international law, in particular the 1982 Convention on the Law of the Sea, which makes it hardly possible except in respect of:

- ships flying their flag;
- or bound for or in one of their ports;
- or passing through their territorial waters, not including straits which are international waterways.

4. So far the Community has been able to act only within the tight limits set by international law. As a result, Council Directive 93/75/EEC only requires ships carrying dangerous or polluting goods to comply with reporting requirements totally in line with international law:

- where they are bound for or leaving ports in the Community;
- or where an incident or circumstance at sea poses a threat to the coastline or related interests of the Member State, pursuant to the International Convention on Intervention on the High Seas (Brussels, 1969).

5. The earlier directive, however, does not go far enough to cover all situations arising in practice. Even when it is in force, coastal States with ships transiting through their coastal waters without being bound for one of their ports or a Community port will still have only a partial picture of maritime traffic off their coasts.

In the event of an accident, those States may have to muster substantial resources and incur expenditure on rescue and pollution-control operations - expenditure made all the higher because lack of information may considerably prolong the time taken to intervene.

The effectiveness of action is, moreover, severely reduced by lack of or lateness of information; loss of lives or major pollution incidents may result.

PROOF OF THE NEED FOR A DIRECTIVE

6. (a) What are the objectives of the projected action in relation to the Community's obligations?

The objective of the proposed action is to put in place a fuller vessel reporting system, directed in particular at ships carrying dangerous or polluting goods, in order to provide the coastal States of the Community with adequate information on the presence of those ships in their coastal waters. They need this prior information so that they can swiftly and effectively carry out rescue, towing or emergency assistance operations and combat marine pollution.

The Community's obligations, relative to the action in view, flow from the following commitments:

Council Directive 93/75/EEC of 13 September 1993 (Article 13) requires the Commission to produce new proposals for the introduction of a fuller reporting system for the Community; these proposals may also cover vessels transiting along the coasts of Member States.

The need to extend the reporting system set up by the abovementioned Directive was emphasized by the Council at its extraordinary meeting on the environment and transport on 25 January 1993. The communication "A Common Policy on Safe Seas", which the Commission approved on 24 February 1993, pointed out that this was only the first stage of a two-stage approach which was to be completed by the introduction of a compulsory reporting system to provide the Member States concerned without delay with all major information on the movement of ships carrying dangerous and polluting goods and the precise nature of their cargoes when those ships were in their waters.

The Council resolution of 8 June 1993<sup>(1)</sup> on a common policy on safe seas urged the Commission to submit as soon as possible formal proposals for implementing Article 13 of the Council Directive concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods.

- (b) Is the proposed action solely within the competence of the Community or competence shared with the Member States?

Under Article 84(2) of the Treaty, competence is shared with the Member States.

- (c) What is the Community dimension of the issue?

All Member States are concerned as flag States; eleven are also concerned as coastal States.

- (d) What is the most effective solution, as between Community resources and Member States' resources?

The Community solution is the more effective. Clearly, the objective and scale of what is in view, i.e. the extension of action already commenced with Directive 93/75/EEC on vessel reporting, mean it can only be done on a supranational scale.

It would indeed be illogical for the monitoring of ships bound for or leaving European ports to be conducted at Community level, while the implementation of the subsequent stage, covering ships transiting European waters, and with automated data exchange between ships and shore-based stations, should be done strictly at national level. A coherent information system can therefore be developed only at Community level.

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(1) OJ C 271, 07.10.1993, p.1

- (e) What practical benefit will flow from the Community action in view, and what would be the cost of inaction?

Information on shipping carrying dangerous goods off the Member States' coasts is essential to the common policy for maritime safety and effective protection of the marine environment in European waters.

With regard to the last-mentioned objective, a Community reporting system is a practical application of the principle of preventive action on the environment, as mentioned in Article 130r of the Treaty. In view of the inherently trans-boundary nature of marine pollution, the development of effective preventive tools is better done by Community action than by action limited to national resources. The development of regional agreements in this field shows, moreover, in accordance with the principle of matching the arrangements to the area covered, that the most suitable level for handling issues of this type is not the national level, which is inadequate, but that of a community of States with a common, shared maritime area.

Accidents, such as continually occur off Europe's coast, show that the cost of inaction is very high, be it quantifiable, as with pollution-control operations and coastal rehabilitation projects, or unquantifiable, as when it is expressed in loss of lives.

- (f) In what ways can the Community take action?

The choice of a Community directive as the legal instrument is logical, in that this proposal extends and strengthens the provisions adopted earlier, in the form of Council Directive 93/75/EEC.

A directive will, moreover, ensure uniformity of application because of the Commission's ability to monitor compliance with its provisions.

- (g) Are uniform rules necessary or is it enough to have a directive setting general objectives and leaving implementation to the Member States?

This proposal for a Directive lays down general principles for vessel reporting required under the Eurorep information system which it establishes; in specific annexes it defines the zone in which the system applies and outlines the required reporting procedure.

The proposal for a Directive does not address the choice of technical means needed to implement it - in particular the electronic data links required. Later the Commission will send proposals on those subjects to the advisory committee set up by Article 12 of Directive 93/75/EEC.

The proposal for a directive therefore harmonizes the system in terms of its functional interoperability, while leaving the choice of practical and technical procedures for its implementation to each Member State.

CONTENT OF THE DIRECTIVE

7. This proposal for a Directive flows directly from what the Council requires in Article 13(2) of Directive 93/75/EEC of 13 September 1993. It obliges the Commission to produce as soon as possible "new proposals for the introduction of a fuller reporting system for the Community", proposals which "may cover vessels transiting along the coasts of Member States and include electronic data interchange systems between vessels and shore-based installations".

8. The general aim of the Directive, therefore, is to supplement the reporting system introduced by Directive 93/75/EEC; to that end the Commission proposes that a European vessel reporting system be set up, to be known as "Eurorep". The system consists of a general reporting system, for ships carrying dangerous or polluting goods, and a specific system of reporting to Vessel Traffic Services (VTSS) for certain ships.

9. Directive 93/75/EEC, which is relatively new, covers only information on vessels leaving or bound for Community ports, or information required in the event of an accident at sea. It provides the Member States concerned only with the information available at the time vessels leave port, be that port in the Community or elsewhere, without giving them any information on the movements of those ships off their coasts.

This Directive should fill the gap by giving the Community's coastal States a fuller picture of movements of ships off their coasts, be they leaving or bound for Community ports, or in transit.

A maritime zone, known as the 'Eurorep zone', is described in Annex I for the purposes of applying the Directive. The outer boundaries of the Eurorep zone are the points at which vessels carrying dangerous or polluting goods are required to report their entry into it.

The main consideration in delimiting the Eurorep zone was to seek a boundary matching the operational objectives of the Directive, namely to provide the coastal State with satisfactory information on movements of the ships concerned at a sufficient distance (up to 150 miles from the coast approximately), so that effective action (corrective or preventive) in respect of the ship(s) concerned can be taken as soon as possible.

In addition, the desire to find a solution that is simple, clear and workable, for seagoing personnel and for national governments, led to boundaries already adopted by various authorities for similar purposes being used as a basis. So, the same Search and Rescue (SAR) zones are used for the Atlantic, and part of the Mediterranean and part of the Baltic; for the North Sea, the zones used are those defined by the Bonn Agreement for Cooperation in dealing with the Pollution of the North Sea by Oil.

As regards the procedure for reporting entry to the Eurorep zone, there are two main situations:

- the ship is bound for a Community port: in this case, information on the ship and its cargo will already have been sent to the competent authorities in the State in which the port of destination is located, pursuant to Directive 93/75/EEC. There is therefore no need to supply this information again, only data on the ship's entry into the Eurorep system and its intentions: identity, position and destination.
- the ship is in transit, i.e. it left and is bound for a port outside the Community. In this case the ship's master is required to send all the data listed in Annex I to Directive 93/75/EEC to the competent authority in the first Member State in the sub-zone through which it will pass.

10. The Directive also proposes to set up a specific system for reporting to VTSs. Some coastal VTSs, in particular, face specific problems in their areas. The maritime zones covered by them are frequently those with hazards, particularly to navigation and/or the environment, e.g. owing to traffic density, obstacles to navigation, or narrow seaways, traffic separation schemes, requiring close traffic tracking, and environmentally sensitive areas.

How effective VTSs are in practice depends closely on their having the fullest possible information on traffic in their area of coverage, more especially on the ability to identify ships.

In this respect the present situation is unsatisfactory: in the approaches to the Channel, Europe's densest traffic area, it is estimated that about 50% of the ships concerned report to MAREP, the Anglo-French voluntary reporting system.

The preventive and deterrent effect on potential offenders of such VTS reporting systems will be strengthened by the ability under the Directive to make them compulsory for the ships concerned, not just optional. These are no longer just ships carrying dangerous or polluting goods, as with the general reporting system, but ships of any kind (excepting State ships): the need for an accurate picture of all the traffic, so that it can be efficiently monitored and managed, warrants all ships which may cause a major accident being identifiable in the VTS area concerned. A minimum size of 300 GRT has also been set, matching the minimum size in the SOLAS Convention for ships to be radio-equipped: it is essential for the VTS to be able to interact with the ship after identification.

In accordance with the principle of subsidiarity the Commission considers that it is for Member States to designate VTSs for which - depending upon local circumstances - such a reporting system should be introduced.

National or regional reporting systems, such as the one operated under the Anglo-French MAREP Agreement, are now operating in a generally satisfactory manner in the Community, subject to the handicap of being voluntary in nature. It is not the aim of the Directive to call these systems into question; they must be integrated into the Eurorep system and progressively or gradually be made compulsory under it.

11. Prior to the adoption of Directive 93/75/EEC there were protracted discussions of the question of compatibility of compulsory vessel reporting systems with international law. The proposal finally adopted was strictly confined to what was clearly possible under international law.

The chief difficulty in extending the system set up under the first stage arose from the ambiguity of the provisions of international law in force regarding the ability (outside territorial waters in particular) to apply reporting obligations to ships in transit, i.e. not leaving or bound for ports in the States concerned.

A very important advance in international law now taking place makes it possible for such proposals be formulated by the Commission.

At the 62nd session of the International Maritime Organization's Maritime Safety Committee, on 24-28 May 1993, agreement was reached on the recognition of the principle of compulsory vessel reporting. The Sub-Committee on Safety of Navigation, having been instructed to work out criteria for compulsory ship reporting, produced at its 39th session in September 1993 a draft amendment for a new regulation to be included in Chapter V of the SOLAS Convention recognizing the principle of mandatory reporting and the contribution of such systems to the safety of life at sea, the safety and efficiency of navigation, and the protection of the environment. These amendments are to be circulated with a view to being adopted by the Enlarged Maritime Safety Committee at its 63rd session in 1994.

Consequently, the Eurorep system can only be made generally mandatory from the date on which the relevant amendments to the SOLAS Convention enter into force.

In view of the foregoing points, the Commission proposes implementation of the Eurorep system in two stages:

- Initially, the system will only be mandatory within the framework set by international law as now in force, i.e. for the relevant ships which are either bound for or leaving a port in the Community, or are flying the flag of a Member State. In this first stage, moreover, the VTS reporting system will also apply within the Member States' territorial waters and straits used for international navigation.
  
- In the second stage, from the entry into force of the amendments to the SOLAS Convention, or from the operative date of this Directive if later, the Eurorep system will be mandatory for all ships carrying dangerous or polluting goods.  
In this second stage the specific VTS reporting system will also be made to apply to all ships over 300 GRT.

12. The proposed Directive sets the general framework for the Eurorep system and lays down the principles for vessel reporting. The system architecture proper, i.e. the detailed technical measures necessary to implement the Directive, will have to be covered by later Commission decisions and put to the Member States under the procedure for consulting the advisory committee set up by the Directive.

Implementing measures will have to be framed for maximum effectiveness at least cost to Member States' administrations and to shipowners. It will also be necessary to avoid any excessive increase in crews' workloads by requiring them to operate an over-complex system which necessitates frequent and repeated transmission of a large number of messages containing redundant data.

Implementing proposals will also have to incorporate measures on the sending of ship movement data between Member States concerned by the passage of the ships in question (competent authorities and VTSS).

The Directive lays down, lastly, that in giving effect to the Eurorep system in their zones Member States shall comply with instruments adopted by IMO, specifically resolutions A.648(16) on vessel reporting and A.578(14) on vessel traffic services.

13. An effective vessel identification and tracking system can therefore be set up under the proposal for a Directive. Implementation of the system will be a matter for the Member States. The real effectiveness of Eurorep therefore depends largely on the detailed procedures for applying the Directive and on actual observance of its provisions by ships. For this reason a provision has been included requiring Member States to introduce penalties into national law in order to ensure that the obligations under the Directive are observed.

Member States will, of course, be able to apply penalties only in areas where this complies with international law, i.e. maritime areas where they have jurisdiction. In some cases, to maximize the effectiveness of the Directive, Member States will consequently have to find ways of extending their jurisdiction seawards in order to secure fuller coverage of the Eurorep zone. In parts of that zone which may where necessary remain in international waters, the papers relating to the offence would have to be sent to the flag State.

PROPOSAL FOR A COUNCIL DIRECTIVE  
CONCERNING THE SETTING-UP OF A  
EUROPEAN VESSEL REPORTING SYSTEM  
IN THE MARITIME ZONES OF COMMUNITY MEMBER STATES

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 84(2) thereof,

Having regard to the proposal from the Commission,<sup>1</sup> in cooperation with the European Parliament,<sup>2</sup>

Having regard to the opinion of the Economic and Social Committee,<sup>3</sup>

Whereas the Commission, in its communication of 24 February 1993 on a common policy for safe seas mentions as one of the objectives to be attained at Community level the introduction of a mandatory reporting system which would rapidly provide Member States with access to all importation information on the movement of ships carrying dangerous and polluting goods and on the precise nature of their cargoes;

Whereas Council Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods,<sup>4</sup> established a system for informing the competent authorities of ships carrying dangerous or polluting goods leaving or bound for Community ports, and of incidents at sea;

Whereas Article 13 of the abovementioned Directive 93/75/EEC lays down that the Commission shall produce new proposals for the introduction of a fuller reporting system for the Community, which may also cover vessels transiting along the coasts of Member States;

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4 OJ L 247, 5.10.1993, p. 19.

Whereas the Council resolution of 8 June 1993 on a common policy on safe seas<sup>5</sup> agrees that the principal objectives of action by the Community include in particular the adoption of a fuller reporting system;

Whereas the reporting system set up by Directive 93/75/EEC must be supplemented by proposals designed to cover in particular ships transiting along the coasts of Member States;

Whereas the information system set up by Directive 93/75/EEC can only be extended and strengthened in a coherent and effective manner by action at Community level;

Whereas serious accidents at sea continue to occur off the coasts of Europe; whereas, in addition to safety hazards at sea, these accidents and the resulting pollution may cause severe harm to the local economy and to the environment, in particular in environmentally sensitive areas of the Community; whereas the cost of combating pollution and rehabilitating polluted sites is very high;

Whereas information on almost a real-time basis on the identity, position and cargo of vessels carrying dangerous or polluting goods is essential for effective preventive action and can reduce the cost of intervention substantially;

Whereas the setting-up of a Community information system is a practical application of the principle of preventive action relating to the environment which is one of the bases of Community environment policy;

Whereas pollution of the sea waters off the Member States of the Community is by nature a trans-boundary phenomenon; whereas in accordance with the principle of subsidiarity the development of means of taking preventive action in this field is best done at Community level, since Member States cannot take adequate and effective action in isolation;

Whereas the adoption of a Council Directive is the appropriate procedure for laying down the general principles for the European vessel reporting system named "Eurorep", which will have to be implemented by the member States;

Whereas it is necessary to delimit a maritime zone in the waters around the Community for the purpose of applying the Eurorep reporting system; whereas the Eurorep zone so defined is divided into sub-zones in which the Member States implement the Eurorep system;

Whereas the Member States concerned must be informed of the entry of vessels carrying dangerous or polluting goods into the Eurorep zone and of their movements therein in order to improve accident prevention and make intervention in the event of marine pollution more effective;

Whereas the Eurorep system can only be made mandatory for ships carrying dangerous or polluting goods in transit through European waters from the date of entry into force of the amendments to the SOLAS Convention now being adopted; whereas until that date the Eurorep system will operate on a voluntary basis for ships in transit, with the exception of ship flying the flag of a Member State of the European Community;

Whereas vessel traffic services (VTSS) are an important factor in accident and pollution prevention in certain maritime areas which are congested or dangerous to navigation;

Whereas it is necessary that the Member States may require vessels entering the zone of coverage of VTSS designated by them for that purpose to supply the information necessary for them to be tracked while within that zone;

Whereas VTSS to which this information is supplied should have the resources necessary to process the information transmitted to them and to track identified ships in their zone of coverage; whereas in particular these ships should report whether or not they are carrying dangerous goods;

Whereas existing ship reporting systems in the Community must be retained and integrated into the Eurorep system;

Whereas the implementation of the Eurorep system requires detailed technical measures to be taken; whereas it is necessary to work out the most effective technical solutions not entailing excessive cost and not infringing the freedom of navigation of ships;

Whereas it is appropriate, for the application of the present Directive, to make use of the committee set up by article 12 of Directive 93/75/EEC, to assist the Commission in devising the technical measures implementing the Eurorep system; whereas the committee will also examine any proposals which may be made for amending the list and varying the extent of zones created as part of the Eurorep system,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The objective of this Directive is to set up in the Community a vessel reporting system in order to improve the safety of shipping and the prevention of pollution by ships.

2. This Directive shall not apply to:

- (a) war ships and other official vessels used for non-commercial purposes;
- (b) fishing vessels engaged in fishing;
- (c) stores and equipment for use on board.

Article 2

1. A European vessel reporting system ("Eurorep"), is hereby set up. It shall comprise a general reporting system and a system for reporting to vessel traffic services (VTSS).

2. Each Member State shall adopt the measures necessary to apply the requirements to this Directive to all ships referred to in Article 3(a) and (b).

It shall provide its competent authorities with appropriate resources for fulfilling their obligations as described in this Directive.

3. Eurorep shall apply to all vessels within the scope of this Directive sailing in the Eurorep zone, without prejudice to the right of inoffensive passage through territorial waters, the right of unhindered passage in transit through international straits, and freedom of navigation outside territorial waters.

Article 3

For the purposes of this Directive the following definitions shall apply:

- (a) "vessel" means any ship or craft over 300 GRT except warships and other official ships not used for commercial purposes;
- (b) "vessel carrying dangerous or polluting goods" means any cargo vessel, oil, chemical or gas tanker or passenger vessel carrying dangerous or polluting goods in bulk or in packaged form;
- (c) "dangerous goods" means goods classified in the IMDG Code, in Chapter 17 of the IBC Code and in Chapter 19 of the IGC Code;
- (d) "polluting goods" means:
  - oils as defined in MARPOL, Annex I,
  - noxious liquid substances as defined in MARPOL, Annex II,
  - harmful substances as defined in MARPOL, Annex III;
- (e) "MARPOL" means the International Convention for the Prevention of Pollution from Ships 1973 and its 1978 Protocol, as in force at the time of adoption of this Directive;
- (f) "IMDG Code" means the International Maritime Dangerous Goods Code, as in force at the time of adoption of this Directive;
- (g) "IBC Code" means the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, as in force at the time of adoption of this Directive;

- (h) "EGC Code" means the IMO International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, as in force at the time of adoption of this Directive;
- (i) "SOLAS" means the International Convention for the Safety of Life at Sea of 1976 and its 1978 Protocol, as in force at the time of adoption of this Directive;
- (j) "IMO resolution A.578(14)" means International Maritime Organization resolution A.578(14) adopted by the Assembly at its fourteenth session on 20 November 1985 and entitled "Guidelines for vessel traffic services", as in force at the time of adoption of this Directive;
- (k) "IMO resolution A.648(16)" means International Maritime Organization resolution A.648(16) adopted by the Assembly at its sixteenth session on 19 October 1989, and entitled "General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants", as in force at the time of adoption of this Directive;
- (l) "Eurorep zone" means the waters described in Annex I-1 in which the Eurorep system applies;
- (m) "Eurorep sub-zone" means a subdivision of the Eurorep zone in which a given Member State implements the provisions of this Directive on the Eurorep reporting system. These sub-zones are listed and described in Annex I-2;
- (n) "competent authority" means the authority designated by the Member State(s), in accordance with Article 3, for the Eurorep sub-zone adjacent to their territory;
- (o) "competent VTS" means the local Vessel Traffic Service designated by a Member State pursuant to Article 3;
- (p) "transit" means passage through a Eurorep sub-zone of a vessel bound for and leaving ports located outside the Community.

Article 4

1. Each Member State shall designate the competent authorities and VTS which are to receive the information and reports provided for in this Directive and shall inform the Commission accordingly.
2. The Commission shall publish the list of competent authorities and VTSS designated by the Member States, together with their communication links.

Article 5

1. The captain of any vessel carrying dangerous or polluting goods which participates in the Eurorep system shall notify the competent authority of the Member State concerned of its entry into and intended movements in the Eurorep zone and each Eurorep sub-zone in accordance with the procedures described in Annex II.
2. Participation in the Eurorep system is mandatory for any vessel carrying dangerous or polluting goods which:
  - is bound for a Community port or intending to anchor in the territorial waters of a Member State, entry into that port or anchorage in those territorial waters being conditional upon such participation;
  - or flies the flag of a Community Member State.
3. On entry into force of the amendments to Chapter V of the SOLAS Convention concerning mandatory reporting, or on entry into force of this Directive if later, the Eurorep system shall be extended to cover all transiting vessels carrying dangerous or polluting goods that enter the Eurorep zone.

Until that time, Member States shall encourage such vessels to participate in the Eurorep system on a voluntary basis.

Article 6

1. Every vessel shall report its name, call sign, its IMO identification number if any, its position, course and where necessary the presence on board of dangerous or polluting goods to the competent VTS on entering the zone for which the VTS is responsible.

2. Where pursuant to paragraph (1) the mandatory reporting point is situated outside territorial waters or in a strait used for international navigation, participation in the reporting system shall be mandatory only from the date on which the amendments to Chapter V of the SOLAS Convention concerning mandatory reporting come into force, or from the date of entry into force of this Directive if later.

Article 7

Member States shall ensure that the competent VTSS under their jurisdiction are equipped in particular with appropriate surveillance radar and communications facilities, and are run in accordance with the International Maritime Organization ("IMO") guidelines on vessel traffic services, particularly those set out in IMO resolution A.578(14).

Article 8

The Commission shall submit to the Advisory Committee referred to in Article 12, in sufficient time for Member States to observe the time-limit laid down in Article 15(1), a draft of the detailed technical measures necessary to implement the Eurorep system in accordance with the procedure laid down in Article 12(2).

The Commission shall ensure that the proposed measures provide effective and appropriate information on movements of ships within the Eurorep zone without entailing excessive cost or causing undue inconvenience to navigation.

Article 9

1. The Commission shall coordinate the notification to IMO of measures taken for the application of the Eurorep system to transiting vessels.
2. In implementing the Eurorep reporting system in their zone Member States shall conform to IMO resolution A.648(16).

Article 10

1. Member States shall ensure that measures taken pursuant to Articles 4, 5, 6 and 7 are adequately publicized, notably by publishing them in their notices to mariners.
2. Member States shall inform the International Maritime Organization and all flag States of the boundaries of the zones covered by competent VTSS under their jurisdiction.

Article 11

The list and extent of Eurorep sub-zones may be amended by the procedure laid down in Article 12.

Article 12

1. For the application of this Directive, the Commission shall be assisted by the committee set up by Article 12 of Directive 93/75/EEC, in accordance with the procedure laid down in paragraph (2).

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, after a vote if necessary.

The opinion shall be recorded in the minutes; each Member State shall also have the right to ask for its position to be recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of how it took account of that opinion.

#### Article 13

Member States shall bring into their national law appropriate penalties for failure to comply with obligations under this Directive.

#### Article 14

1. Member States shall send the Commission every three years, from the date of expiry of the time limit referred to in Article 15(1), a report on the implementation of national provisions enacted under this Directive.

2. Within a year of receipt of all the reports referred to in paragraph 1 the Commission shall compile a report on the implementation of this Directive in the Community. To that end, it may request further information from the Member States.

#### Article 15

1. Member States shall take the requisite measures to comply with this Directive not later than 31 December 1996 and shall forthwith inform the Commission thereof.

2. When Member States adopt those provisions they shall contain a reference to this Directive or shall be accompanied by such a reference when officially published. The procedure for such reference shall be adopted by the Member States.

3. The Member States shall communicate to the Commission the text of provisions of national law adopted by them in the field governed by this Directive.

#### Article 16

This Directive is addressed to the Member States.

ANNEX I

The Eurorep zone and sub-zones are demarcated irrespective of, and without prejudice to, the demarcation of frontiers between Member States.

Demarcation of the Eurorep zone and sub-zones does not affect the status of the waters covered by them and in no way affects the rights, claims or views of governments under international law.

ANNEX I-1

DESCRIPTION OF THE EUROREP ZONE

The Eurorep zone comprises the waters bounded by lines joining the following points:

53°55,8'N	14°13,7'E
54°55'N	14°22'E
Then a 21 mile circle around Bornholm.	
55°07'N	14°30'E
55°07'N	12°45'E
55°20,2'N	12°38,7'E
Then Danish territorial waters	
56°12,9'N	12°22,2'E
57°48'N	10°57'E
58°10'N	10°00'E
56°05,2'N	03°15'E
57°00'N	02°25,1'E
57°00'N	01°30'E
61°00'N	02°00'E
62°00'N	01°00'W
60°00'N	07°00'W
60°00'N	12°00'W
56°00'N	12°00'W
56°00'N	14°00'W
49°30'N	14°00'W
48°00'N	09°00'W
46°00'N	09°00'W

45°00'N	13°00'W
37°00'N	13°00'W
35°00'N	10°00'W
35°56,3'N	07°30'W
35°56,3'N	05°44,9'W
35°56,3'N	05°36,4'W
35°59,1'N	05°25,6'W
36°00'N	02°20'W
39°40'N	06°15'E
38°25'N	08°00'E
37°25'N	11°35'E
36°10'N	11°35'E
35°00'N	12°00'E
35°00'N	13°25'E
36°20'N	13°25'E
36°30'N	14°10'E
36°15'N	14°50'E
36°15'N	17°00'E
38°00'N	19°00'E
35°00'N	20°00'E
33°30'N	25°00'E
34°30'N	30°00'E
35°50'N	30°00'E

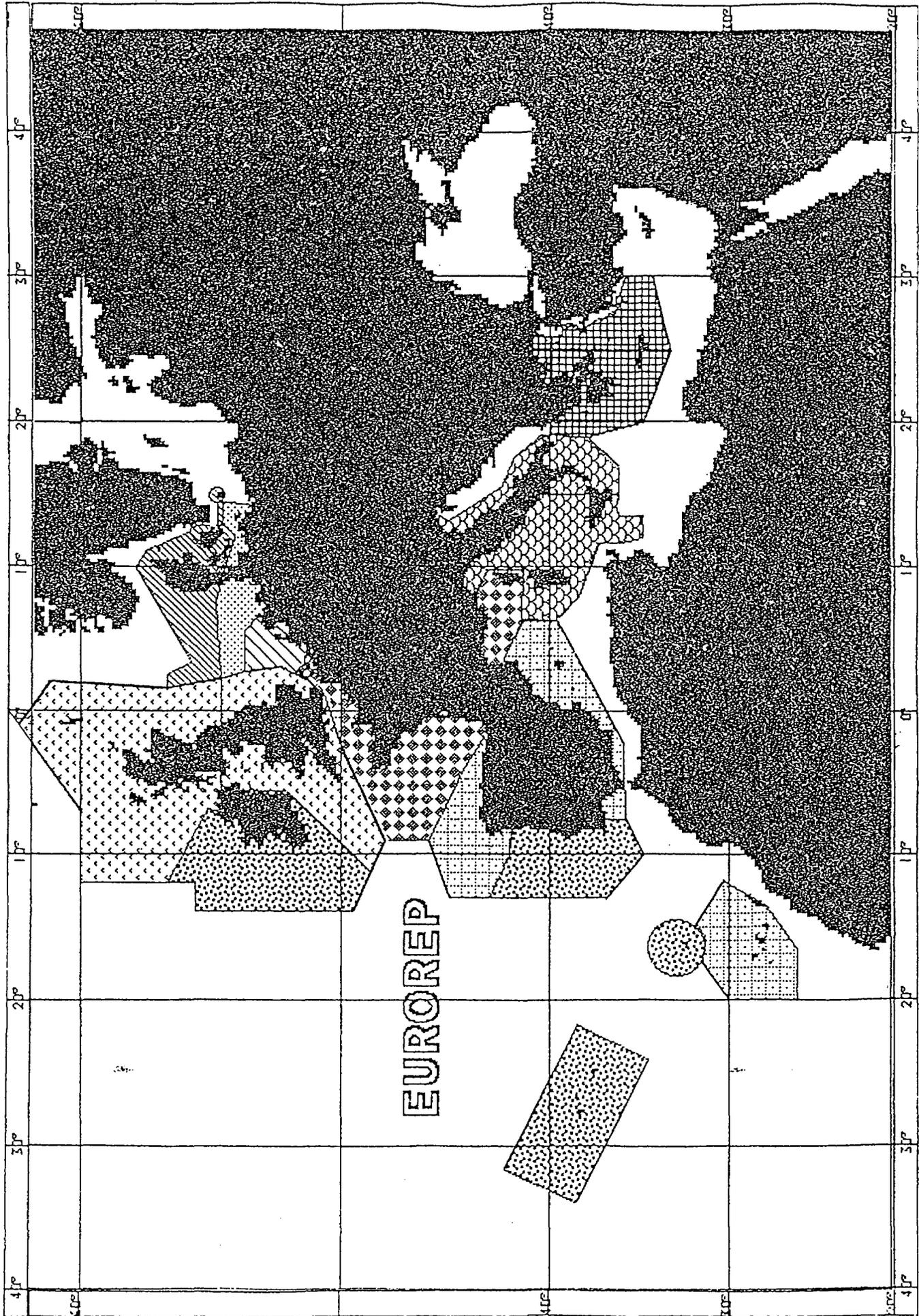
Then territorial waters between Greece and Turkey  
The frontier between Greece and Turkey

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The frontier between Greece and Yugoslavia  
Limits of territorial waters

40°00'N	19°00'E
40°15'N	19°00'E
41°50'N	17°30'E
42°30'N	15°25'E
45°00'N	13°05'E
45°35'N	13°35'E

The frontier between Italy and Yugoslavia

The Eurorep zone also includes a maritime zone surrounding the Canary Islands, the Azores and Madeira, as described in Annex I-2.



**ANNEXE I-2**

**DESCRIPTION OF EUROREP SUB-ZONES**

**A. IRELAND SUB-ZONE**

East of the line defined in Annex I-1 and west of a line joining the following points:

- |    |         |         |
|----|---------|---------|
| A. | 54°00'N | 06°00'W |
|    | 53°50'N | 05°20'W |
|    | 53°35'N | 05°30'W |
|    | 52°20'N | 05°30'W |
|    | 48°40'N | 11°10'W |
| B. | 57°00'N | 12°00'W |
|    | 55°30'N | 06°45'W |
|    | 55°10'N | 06°55'W |

**B. UNITED KINGDOM SUB-ZONE**

East of the line defined in Annex I-1 and west of a line joining the following points:

- |         |         |
|---------|---------|
| 62°00'N | 01°00'W |
| 61°00'N | 02°00'E |
| 57°00'N | 01°30'E |
| 52°30'N | 03°10'E |
| 51°30'N | 02°10'E |

Boundaries of the (Channel) traffic separation scheme

- |         |         |
|---------|---------|
| 49°54'N | 02°54'W |
| 49°31'N | 04°00'W |
| 48°00'N | 09°00'W |

**C. DENMARK SUB-ZONE**

Within a line joining the following points:

55°03'N	08°22'E
55°10'N	07°30'E
55°00'N	02°13,5E
57°00'N	01°30'E
57°00'N	02°25,1E
56°05,2N	03°15'E
58°10'N	10°00'E
57°48'N	10°57'E
56°12,9N	12°22,2E

Then the present boundary of territorial waters

55°20,2N	12°38,7E
55°07'N	12°45'E
55°07'N	14°30'E

Then a 10-mile circle around Bornholm

54°55'N	14°22'E
54°55'N	12°51'E
54°27'N	12°00'E

Then as far as the frontier between Germany and Denmark.

**D. GERMANY SUB-ZONE**

Within a line joining the following points:

Zone A: 53°34'N	06°38'E
54°00'N	05°30'E
54°00'N	02°39,1E
55°00'N	02°13,5E
55°10'N	07°30'E
55°03'N	08°22'E

Zone B: From the frontier between Germany and Denmark

54°27'N	12°00'E
54°55'N	12°51'E
54°55'N	14°22'E
53°55,8N	14°13,7E

**E. NETHERLANDS SUB-ZONE**

Within a line joining the following points:

51°32'N	03°30'E
52°00'N	02°36'E
52°30'N	03°10'E
54°00'N	02°39,1E
54°00'N	05°30'E
53°34'N	06°38'E

**F. BELGIUM SUB-ZONE**

Within a line joining the following points:

51°06'N	02°35'E
51°30'N	02°10'E
52°00'N	02°36'E
51°32'N	03°30'E

**G. FRANCE SUB-ZONE**

**A. North Sea-Atlantic-Channel**

Within a line joining the following points:

51°06'N	02°35'E
51°30'N	02°10'E
Traffic separation boundaries	
49°54'N	02°54'W
49°31'N	04°00'W
48°00'N	09°00'W
46°00'N	09°00'W
44°20'N	04°00'W

Then the frontier between France and Spain

**B. Mediterranean**

Within a line joining the following points:

Frontier between France and Spain

42°00'N	04°40'E
41°20'N	06°15'E
41°20'N	09°45'E
43°10'N	09°45'E

Frontier between France and Italy

**H. SPAIN SUB-ZONE**

**A. Atlantic**

Within a line joining the following points:

Zone A: From the frontier between France and Spain

44°20'N 04°00'W  
46°00'N 09°00'W  
45°00'N 13°00'W  
43°00'N 13°00'W  
42°00'N 10°00'W

Mouth of the River Minho

Zone B: Mouth of the River Guadiana

36°00'N 07°30'W  
Gibraltar

Zone C (Canaries):

32°00'N 14°50'W  
30°20'N 11°40'W  
28°00'N 13°30'W  
26°00'N 16°40'W  
26°00'N 20°00'W  
30°00'N 20°00'W  
31°39'N 17°25'W

Then an arc of a 100-mile circle centred on

33°04'N 16°21'W  
32°20'N 14°50'W

**B. Mediterranean**

Within a line joining the following points:

Gibraltar

36°00'N 02°20'W  
39°40'N 06°15'E  
42°00'N 04°40'E

Frontier between France and Spain

**I. PORTUGAL SUB-ZONE**

Within a line joining the following points:

Zone A (Lisbon):

Mouth of the River Minho

42°00'N 10°00'W  
43°00'N 13°00'W  
37°00'N 13°00'W  
35°35'N 10°00'W  
36°00'N 07°30'W

Mouth of the River Guadiana

Zone B (Azores):

38°30'N	21°40'W
34°40'N	24°00'W
38°40'N	34°00'W
42°15'N	31°40'W

Zone C (Madeira):

Within a 100-mile circle centred on  
33°04'N 16°21'W

**J. ITALY SUB-ZONE**

Within a line joining the following points:

Frontier between France and Italy

43°10'N	09°45'E
41°20'N	09°45'E
41°20'N	06°15'E
39°40'N	06°15'E
38°25'N	08°00'E
37°25'N	11°35'E
36°10'N	11°35'E
35°00'N	12°00'E
35°00'N	13°25'E
36°20'N	13°25'E
36°30'N	14°10'E
36°15'N	14°50'E
36°15'N	17°00'E
38°00'N	19°00'E
40°15'N	19°00'E
41°50'N	17°30'E
42°30'N	15°25'E
45°00'N	13°05'E
45°35'N	13°35'E

Frontier between Italy and Yugoslavia

**K. GREECE SUB-ZONE**

Within a line joining the following points:

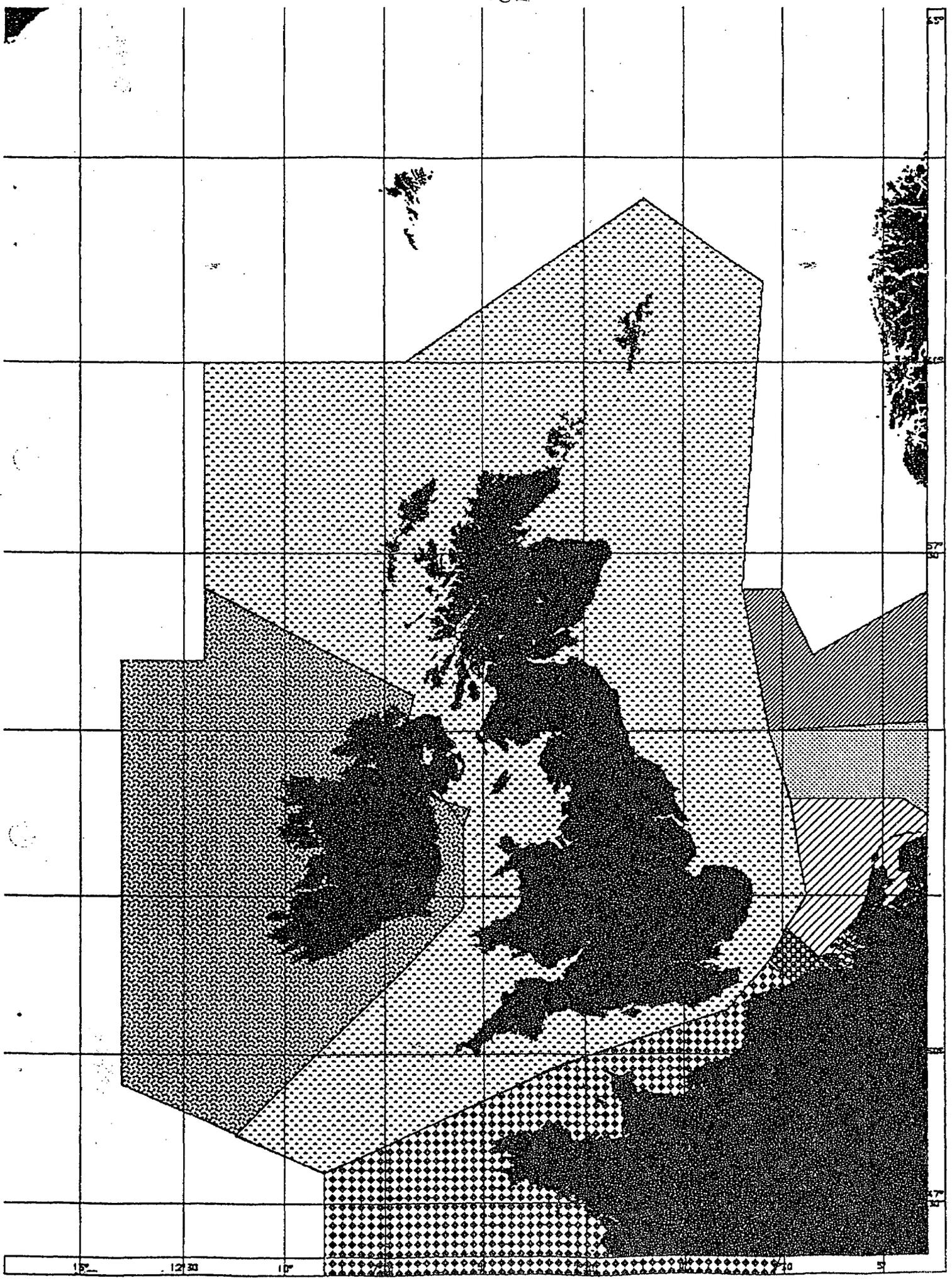
Frontier between Greece and Yugoslavia

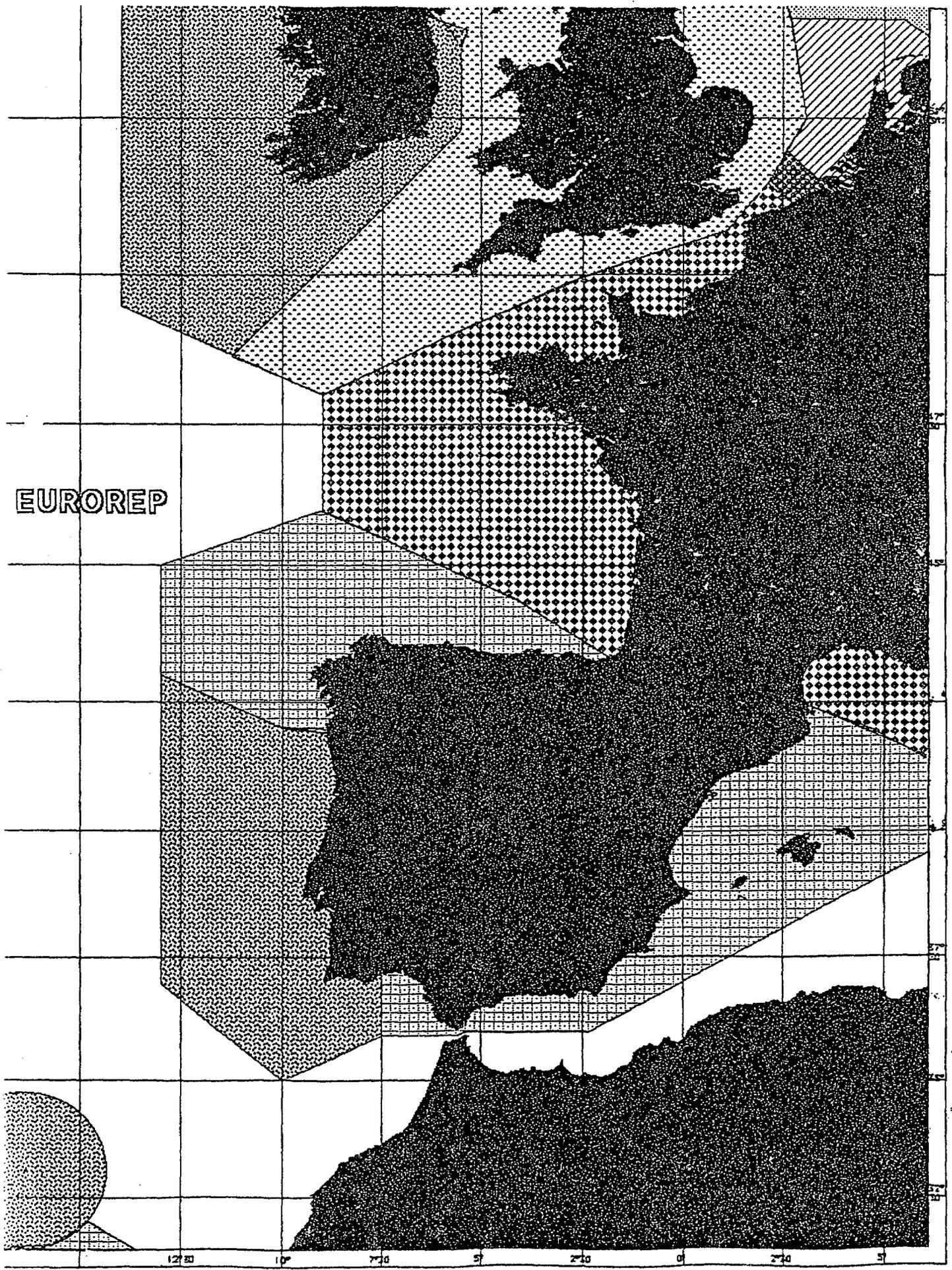
Limit of territorial waters

40°00'N	19°00'E
38°00'N	19°00'E
35°00'N	20°00'E
33°30'N	25°00'E
34°30'N	30°00'E
35°50'N	30°00'E

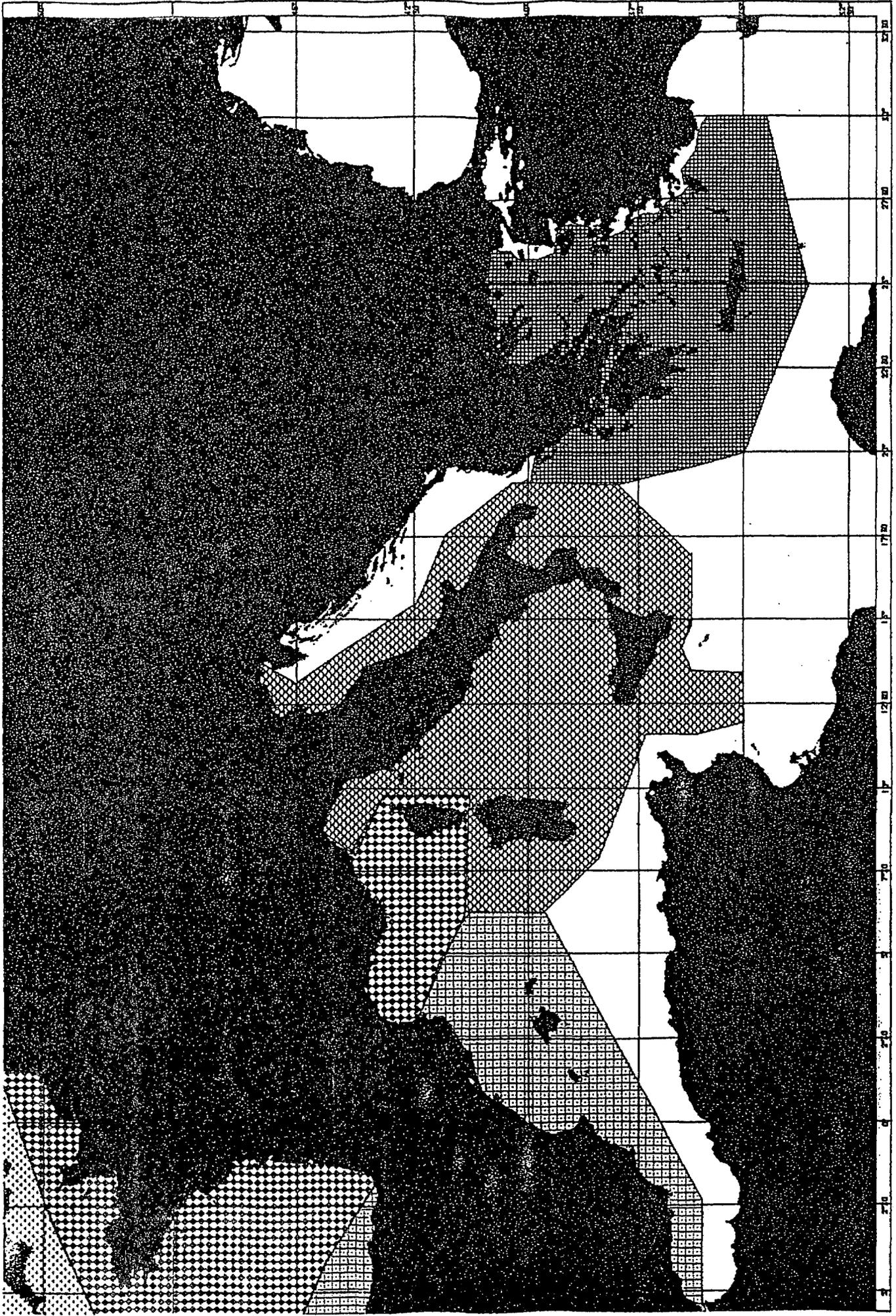
Then territorial waters between Greece and Turkey

Frontier between Greece and Turkey









**ANNEX II**

**GUIDELINES FOR REPORTING INFORMATION REQUIRED FOR EUROREP**

1. Information required under Article 4 of the Directive.

The information required under Article 4 of the Directive is the same as that set out in Annex I to Directive 93/75/EEC, together with the position of the ship at the time it enters the Eurorep zone.

2. Entry to the Eurorep zone

On first entering the Eurorep zone the vessel reports to the competent authority of the Eurorep sub-zone concerned all the information referred to in the first paragraph.

However, when the vessel has already supplied that information to a competent authority in accordance with Article 5 of Directive 93/75/EEC it need report only its identity, position and first port of call in the Community.

3. Relaying of information to the other Member States

The competent authority in possession of the information reported under Article 4 passes it on to the competent authority of the Member State or other Member States concerned by the passage of the vessel.

4. Intended route of the vessel

The reporting obligation still applies even when the intended route of the vessel does not call for it to enter the territorial waters of the Member State concerned by its passage.

Any change to the originally intended route must be reported without delay to the competent authority concerned.

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