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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Maritime safety: at the heart of clean and modern shipping**

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**Maritime safety: at the heart of clean and modern shipping**

Maritime transport is of strategic importance for the EU economy and the connections between and within Member States. With 75% of the EU's external trade being seaborne, a performing, safe, secure, and more sustainable maritime sector is essential for our trade competitiveness and to source goods and materials to our single market. Maritime transport is not only the artery of our globalised economy but also the lifeline for our islands and peripheral and remote maritime regions. The sector proved particularly resilient during the COVID-19 pandemic, allowing continued trade of essential goods, such as food and medical supplies. The pandemic was a stark reminder of the key role that maritime transport and the people working in it play and the need for EU policies to consider the importance of the sector. The new geopolitical circumstances triggered by the Russian war against Ukraine and the resulting shifts in trade and energy patterns have highlighted the urgency to reinforce the EU's strategic autonomy, including its maritime sector.

The level of maritime safety in EU waters is currently very high, with few fatalities and no major oil spills of the magnitude of the *Erika* and the *Prestige* oil tankers accidents<sup>1</sup>. However, more than 2 000 marine accidents and incidents are reported every year<sup>2</sup>. Just one accident involving a passenger vessel or a cargo vessel transporting dangerous or noxious material could have a devastating impact on workers, citizens at large, and the marine environment. The transition to cleaner and more autonomous shipping also gives rise to new challenges. The safety, security and the environmental sustainability of the transport system is paramount and should not be compromised. The EU should develop proactive and preventive policies and remain a world leader in this field based on continuous efforts with international, national and local authorities, and stakeholders including civil society.

The twin digital and sustainability transition requires that maritime transport go through a major transformation. Representing 3% of global greenhouse gases (GHG) emissions, the sector needs to switch to low and zero GHG technologies, propulsion systems and fuels. It should also reduce its emissions of air pollutants and its overall impact on the marine environment including marine plastic litter and underwater noise. At the same time, digitalisation and the move towards smart and autonomous shipping systems bring opportunities and challenges. These transformations require a supportive environment for innovation, including financing such as provided under the Zero Emission Waterborne Transport partnership<sup>3</sup>. They also need to be matched with a vast retraining effort and professional development of the workforce, as well as measures to attract workers to the sector, especially young people. Seafarers and maritime transport workers are the sector's most valuable assets and need to be at the centre of a safe and sustainable transition.

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<sup>1</sup> MV Erika accident in 1999, France (20,000 tonnes of oil), MV Prestige accident in 2002, Spain (63,000 tonnes of oil).

<sup>2</sup> EMSA Annual Overview of Marine Casualties and Incidents, European Marine Casualty Information Platform EMCIP

<sup>3</sup> [Partnership - waterborne.eu](https://www.waterborne.eu)

The European Green Deal, the sustainable and smart mobility strategy<sup>4</sup> and the zero-pollution action plan<sup>5</sup> have set the direction at EU level, with an overall ambition for zero accident, zero waste, zero pollution, decarbonised, smart, and resilient maritime transport. With the 'Fit-for-55' set of legislation, major progress was achieved to set the sector on a more sustainable pathway. Through the FuelEU Maritime Regulation<sup>6</sup> - which aims to encourage the uptake of sustainable fuels in maritime transport - and the extension of the EU Emission Trading Scheme (ETS) to maritime transport<sup>7</sup>, the EU has adopted measures that will drive investments in clean technologies and fuels and ensure the sector contributes to the Paris Agreement goal of 1.5° global warming.

The Commission is proposing to revise five pieces of legislation to modernise EU rules on maritime safety and sustainability and provide the EU with tools to support clean and modern shipping. The aim is to ensure that the EU maritime sector is fit for purpose. Taken together, these proposals are the foundation of our efforts to ensure efficient, sustainable, and safe maritime traffic and transport in EU waters and beyond, for the benefit of our citizens, coastal communities, marine environment, and healthy oceans. In parallel to this robust legal framework, the EU is committed to working within the International Maritime Organization (IMO) to set the bar high on safety and security matters, digitalisation, and the greening and decarbonisation of shipping. The co-existence of such European rules and EU action within the IMO ensure that a level-playing field is maintained inside the Single Market as well as globally, avoiding the risks of flagging-out and losing on European interests.

This maritime package is composed of five revision proposals relating to:

- Directive 2009/21/EC on compliance with flag State requirements;
- Directive 2009/16/EC on port State control;
- Directive 2009/18/EC on maritime transport accident investigation;
- Directive 2005/35/EC on ship-source pollution and the introduction of penalties; and,
- Regulation (EC) No 1406/2002 establishing the European Maritime Safety Agency.

## **1. The existing EU framework for maritime safety and sustainability: a robust set of legislation that needs to be modernised**

The three Directives on flag State requirements, port State control and accident investigation are the key pillars of maritime safety. They reflect the international obligations incumbent on Member States as flag, port and coastal States laid down in the United Nations Convention of the Law of the Sea (UNCLOS), to which the EU itself is a contracting party. EU action in the field of maritime safety both complements and implements the international legal framework, in particular the detailed rules and standards laid out in the main Conventions of the IMO. The incorporation of such rules and standards into the EU legal system makes these provisions actionable before the European Court of Justice, thereby ensuring their uniform enforcement across the EU and securing a level playing field both for the Member States and the operators in the sector. At the same time, incorporation of international rules into EU law and thereby alignment of EU law to international rules ensures that our flag States and

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<sup>4</sup> <https://transport.ec.europa.eu/system/files/2021-04/2021-mobility-strategy-and-action-plan.pdf>

<sup>5</sup> COM(2019)640, COM/2021/400 final

<sup>6</sup> COM(2021) 562 final – Proposal for a Regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC

<sup>7</sup> COM(2021) 551 final - Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union

operators benefit from a level-playing field globally and we maintain the competitiveness of EU shipping.

Maritime safety is organised around three lines of defence for public action while shipowners and operators have a duty to always keep their ships fit for purpose. The primary responsibility lies with the flag State who must ensure that the ship is fit to sail and that it holds the necessary certificates demonstrating compliance with the international rules and standards. The flag State is therefore the first line of defence. However, as flag State rules only apply to vessels that fly that flag and as some flag States are not willing or able to enforce the applicable rules on their fleets, port State control officers carry out inspections of foreign ships when they are in ports. Port State control is therefore the second line of defence. Despite these two layers of prevention, accidents and intentional or negligent breaches of relevant obligations can still occur. Their causes should be investigated to ensure continuous improvement, to avoid similar accidents from happening again and to sanction the perpetrators of illegal activities. This is the third line of defence.

Taken together, these lines of defence aim at guaranteeing that the rules are properly enforced and should therefore lead to a reduction in incidents and accidents and should ultimately prevent the loss of human life and environmental pollution.

A fitness check carried out in 2018 concluded that these three Directives were of added value, notably for the harmonised implementation and enforcement of international rules, and that they had reached their intended objectives. However, the fitness check also pointed out that there was room for improvement and opportunities for further digitalisation, cooperation between Member States and increased support from the European Maritime Safety Agency (EMSA).

Maritime accidents not only cause casualties and economic losses but have a direct impact on the environment. Pollution released by ships, accidentally, intentionally, or negligently, such as oil, garbage sewage or chemical substances have a negative effect on the marine environment and can severely pollute marine and coastal habitats. Such pollution is therefore addressed through specific complementary EU legislation on illegal discharges, namely the ship-source pollution Directive.

This Directive does not set standards on the specification of such discharges. Those specifications are regulated internationally through the IMO MARPOL (for the Prevention of Pollution from Ship) Convention, which determines whether a discharge is authorised or illegal. The role of the Directive, on the other hand, is to require Member States to set effective, proportionate, and dissuasive penalties, including criminal ones, for illegal discharges. It also provides for collaboration on enforcement across the EU with the support of EMSA. The Directive complements the international regime by supporting EU Member States in identifying the offenders through satellite surveillance information on potential oil spills and through its liability regime facilitating the penalisation of the polluters.

The evaluation of the Directive pointed to several shortcomings which the proposed revision aims to address. This includes ensuring that illegal discharges are adequately detected, infringements are pursued, perpetrators of illegal activities are sanctioned, and, because of this, illegal discharges are ultimately reduced to lower the environmental impacts. The revision aims, together with the Directive on port reception facilities, to discourage all shipowners and operators (regardless of flag) from any type of illegal discharges into

European seas. It should become the norm to always deliver all ship-generated waste to EU port reception facilities.

EMSA plays a key role in the EU framework on maritime safety and has contributed significantly to the encouraging results achieved in the EU in terms of ensuring quality shipping and a culture of safety. The Agency was set up in 2002, in the wake of the Prestige and Erika maritime disasters, with the specific aim to support the European Commission and the Member States in the application and monitoring of EU legislation on maritime safety. Through its visits and inspections (audit capability), the Agency is at the core of the EU added value on maritime safety thanks to its help with enforcement and with facilitating an effective and efficient implementation of the rules. The Agency needs to continue to allocate sufficient resources for this core task despite its expanding portfolio of activities, so as to continue providing high quality services to the Member States, the Commission and the broader maritime community.

Since 2002, the tasks of the Agency have indeed expanded and EMSA now offers technical, scientific, and operational assistance in a wide range of areas related to maritime transport, notably in relation to the green and digital transitions. The mandate of the Agency, except for the Coast Guard cooperation amendment, was last revised in 2013 and needs to be updated to reflect EMSA's current scope of activities, the evolving regulatory framework, notably this maritime package, and developments in the maritime sector.

## **2. Alignment with international regulations and expanded scope for a more effective framework**

One of the main drivers for the revision of the five legislative texts is the need to and benefits of aligning with updated international regulations. The co-existence of misaligned standards and rules creates burden and legal uncertainty for the industry and national administrations and undermines the level-playing field and the competitiveness of EU shipping. Incorporating international regulations into EU law should be done in a way that ensures effective applicability, uniformity and proper enforcement, and therefore quality shipping.

For the flag State Directive, incorporating the 'IMO Instruments Implementation code' (III-code) which was adopted in 2013 and entered into force in 2016 is central to the revision. The III-code was a major IMO development as it ensures that national authorities have the resources and powers needed as a flag State to assume their international obligations. While already the case for EU Member States since 2009, the III-code also made the related IMO comprehensive audit mandatory for all IMO parties every 7 years.

Given its importance, the enforcement of the international Maritime Labour Convention which regulates all matters related to the working and living conditions of seafarers was already introduced into EU law through a separate legal act<sup>8</sup> applying to flag States<sup>9</sup>. Social rules are indeed critical for the well-being of crews and for maritime safety (the human factor being responsible for most incidents).

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<sup>8</sup> Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006 (OJ L 329, 10.12.2013, p. 1).

<sup>9</sup> And through a revision of the port State control Directive for the port state enforcement part - Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16/EC on port State control (OJ L 218, 14.8.2013, p. 1).

The revision of the port State control Directive updates and aligns EU rules with newly applicable international legal instruments, namely the IMO Ballast Water Management and the Nairobi Wreck Removal conventions. To improve effectiveness, port States carrying out port State control inspections have coordinated their work systematically on a regional basis. The Paris Memorandum of Understanding on port State control<sup>10</sup> (hereinafter the “Paris MoU”) established in 1982 is the first of nine such intergovernmental structures. All 24 European Economic Area (EEA) Member States with seaports, as well as Canada, the Russian Federation<sup>11</sup> and the United Kingdom, are members of the Paris MoU. The EU is not a member.

The EU port State control is based on the procedure and tools of the Paris MoU as of 2009 when the Directive was adopted. Consequently, several developments and improvements decided over the last 14 years under the Paris MoU have also to be incorporated. Regarding the accident investigation Directive, several definitions and references are updated to take account of changes in the international regulatory environment, notably the IMO Casualty Investigation Code, and to take due consideration of the situation of vessels in ports and accidents affecting port workers.

The Commission proposes to extend the scope for the port State and accident investigation Directives with regards to fishing vessels where significant safety concerns persist. A voluntary system of port State control for fishing vessels measuring over 24 metres calling to EU ports will be provided for those Member States that wish to carry out these inspections, offering a second line of defence for this type of vessels. Indeed, the prime responsibility for fishing vessel safety lies with the flag State, as smaller fishing vessels do not usually visit foreign ports and, in many cases, do not fall within the scope of international conventions. Accident investigation will now cover not only larger fishing vessels but will be partially extended to cover the most serious accidents involving smaller fishing vessels measuring less than 15 metres, while ensuring the administrative burden is kept to the minimum necessary.

Regarding ship-source pollution, the scope of the Directive is extended to completely cover the five Annexes of the IMO MARPOL Convention<sup>12</sup>. As well as illegal discharges of oil and noxious liquid substances (its current scope), the Directive will cover illegal discharges of harmful substances in packaged form, sewage, garbage, and discharge waters and residues from Exhaust Gas Cleaning Systems (scrubbers). This is also an important contribution to the EU Green Deal objectives, which pursue zero pollution and sustainable and smart mobility ambitions that also include these other harmful substances.

This alignment with the MARPOL Convention is central to the revision of the ship source pollution Directive. It was called for by the European Parliament and Council in 2019 when the revised Directive on port reception facilities for cargo residues and waste<sup>13</sup> was adopted. The intention was to complement the agreed stronger port reception facilities rules by

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<sup>10</sup> [www.parismou.org](http://www.parismou.org)

<sup>11</sup> Following the invasion of Ukraine, Russian Federation membership of the Paris MoU was suspended in May 2022.

<sup>12</sup> The sixth one covers air pollutant emissions and is partially already covered by EU legislation (the Sulphur Directive) or will be considered later and is subject to a review clause in the revised directive on ship-source pollution (NOx, marine litter and underwater noise).

<sup>13</sup> Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116).



avoiding a situation whereby they could unintentionally incentivise more illegal discharges at sea.

Because of the revisions outlined above and the broader developments in the overall regulatory environment since 2013, the EMSA mandate also requires updating to better reflect the growing role the Agency plays in support of many maritime transport areas, including safety, prevention of pollution and environmental protection, climate action, security, surveillance and crisis management and digitalisation. The revised mandate will not only reflect the tasks that the Agency was entrusted with by the Commission and the Member States since 2013, but also the new safety and sustainability tasks emanating from this legislative package. It will also make the Agency fit for the future, by anticipating developments, especially in digitalisation and automation.

### **3. A drive towards more environmental sustainability**

Maritime transport is currently one of the cleanest modes of transport considering its volume and the share of goods transported and its contribution to the EU and the global economy<sup>14</sup>. Ensuring quality shipping and a safe and secure maritime sector is essential to keep its attractiveness. However, the maritime sector is also a major GHG emitter and is responsible for significant air and marine pollution harmful for the marine environment and its biodiversity and carbon resilience, as well as the health of coastal populations. As other sectors of the economy, such as road transport, decarbonise or rapidly reduce emissions of other pollutants, maritime transport will need to make a relatively bigger contribution to reducing such emissions and pollution. Therefore, attention and action need to continue.

With this package, the Commission aims to promote quality shipping and a modern, clean and thriving maritime sector, compliant with relevant international and EU obligations. The EU legislative framework should discourage and sanction those who take or are willing to take short-cuts with the rules while incentivising investments in the uptake of clean technologies and sustainable practices. This is the only way to help setting high global standards and to maintain a leading position globally for EU shipping.

The revision of the flag State Directive introduces a more effective framework based on an adequate level and quality of ships' inspections and overall fleet oversight, capacity-building of flag State administrations and better measurement of their performance. This will serve safety first but should also benefit the protection of the environment. When stronger environmental rules become effective under the international conventions, the flag State responsibility to enforce them is automatically extended. The revision of the port State control Directive will also further improve Member States' capacity to detect and correct lack of compliance not only with safety but also with pollution prevention rules and standards.

In addition, the revision of the port State control Directive specifically amends the ship risk profile on which the targeting of ships for inspections is based, to take greater account of environmental factors. For cargo and passenger vessels of over 5 000 gross tonnes (regarded as the most polluting), the ship risk profile will take account of the vessel's IMO carbon intensity indicator. For all ships eligible for port State control, it adjusts the weighting factor to attach more importance to previously identified environmental-related deficiencies and

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<sup>14</sup> *Rail and waterborne - best for low-carbon motorised transport*, Study by the European Environment Agency, 2021

detentions (under the MARPOL, Ballast Water and Harmful Anti-fouling Systems Conventions) relating to the ship under inspection.

The revision of the ship-source pollution Directive will enhance the protection of the marine environment not only by aligning its scope with international standards, but also by making enforcement of international rules on cross border ship-source pollution more effective. The new Directive aims to empower national authorities responsible for the detection and verification of pollution, especially illegal discharges, to act more diligently and in a coordinated manner. This will be achieved thanks to enhanced digital tools, capacity building and tailored training, and through an obligation to upload reports onto an integrated system hosted by EMSA. The revision should also enable adequate national action in case of infringement by setting in place a more robust framework for penalties and their application, without affecting the possibility of imposing criminal sanctions under the framework of the environmental crime Directive<sup>15</sup>.

While the current scope of the ship-source pollution Directive does not include air pollutant emissions, in view of their impacts on air quality in port and coastal areas, the Commission will assess how to include these in the future based on new data and experience gathered by EMSA regarding the enforcement of relevant legal requirements on air pollution from sulphur (Sox) and nitrogen oxides (NOx) set out in MARPOL Annex VI. To this end, the proposed revised regulation on the EMSA mandate places an increased focus on the Agency's capacity to provide technical assistance for the enforcement of applicable NOx and Sox rules in this area.

Over the years, EMSA has been increasingly called upon to assist the Commission and the Member States in improving the environmental sustainability of maritime transport. Since its inception, the Agency has covered marine pollution and provided operational assistance through a very effective top-up operational capacity of oil-pollution-response vessels, available on stand-by in case of oil spills. With the revision of the sulphur Directive in 2012, EMSA started playing a key role in helping to implement and enforce EU rules on air emissions from ships. Such assistance is both technical, with the hosting of relevant databases that underpin the controls by Member States, and operational with the RPAS<sup>16</sup> emission monitoring services that are either requested by Member States or complement their existing surveillance capabilities. Regarding GHG emissions from ships, EMSA hosts the system for EU reporting, monitoring and verification<sup>17</sup>. EMSA also assists the Member States in implementing the ship recycling obligations as well as on underwater noise and plastic pollution.

EMSA also provides key technical and scientific expertise to the Commission and Member States to advance work within the IMO on all environmental matters under the Green Deal and by issuing state of the art reports, studies on emerging sustainability issues (containers loss, cargo degassing, black carbon) as well as guidance to maritime and port authorities such as the one on shore-side electricity.

The new tasks set out in this package need to be better incorporated in the revised mandate and matched with adequate resources. Furthermore, the new legal framework for maritime

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<sup>15</sup> Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC - COM/2021/851 final

<sup>16</sup> Remotely piloted aircraft systems

<sup>17</sup> MRV Thetis module - <https://www.emsa.europa.eu/tackling-air-emissions/greenhouse-gas.html>



transport set as part of the ‘Fit-for-55’ package will further reinforce the drive towards sustainability. The Commission will continue to rely on EMSA’s support for the implementation of the FuelEU Maritime Regulation and the extension of the EU ETS to maritime transport. Assistance on regulatory developments under the IMO will be equally important. A key priority for the future is to provide a proactive analysis of the safety risks linked with the use of low and zero-GHG alternative fuels while continuing to assist and facilitate operational uptake and deployment of these fuels with guidelines and research.

#### **4. Digitalisation as an enabler**

Digitalisation is at the centre of the maritime package. IT developments and smart technologies are key enablers for increased information sharing and transparency and therefore rule enforcement. Digitalisation lessens the burden on operators and administrations, achieving a more effective EU framework overall and a better impact in terms of efficiencies in the logistics chain. EMSA plays a central role as host and technical developer of maritime information and monitoring systems and services that ensure interoperability and compatibility. Those systems and services enhance the support to Member States with responsibilities as flag, port and/or coastal States.

The reliance on paper-based procedures proved particularly inadequate during the COVID-19 pandemic as there were no means to check and facilitate a temporary extension of certificates. The flag State and port State control proposals both provide for and incentivise a higher uptake of digital solutions. The revised flag State Directive aims to digitalise Member State flags via e-certification registers sharing e-certificates, building on EMSA-based IT solutions and a commonly available technical protocol enabling interoperability at EU level.

In parallel, the port State control Directive will encourage the use of electronic certificates (notably by linking their use with the ship risk profile) and provide for a common data tool, a validation tool and repository at EU level. The issuance of e-certificates by flag States (or Recognised organisations acting on their behalf) will be incentivised through a new parameter added to the ship risk profile allowing these certified ships to be less-frequently targeted by port State control inspections.

The deployment of existing and new technologies can also help the sector contribute to the green transition. Digitalisation of procedures to ensure the application of the ship-source pollution Directive will enhance its effectiveness. The identification of alleged polluters will be facilitated by the integrated capacity of the various systems hosted by EMSA (earth observation to detect pollution - CleanSeaNet<sup>18</sup>, port inspection tool - THETIS-EU<sup>19</sup> and vessel traffic monitoring and information exchange system to help identify alleged polluters - SafeSeaNet<sup>20</sup>). The systematic data reporting and the sharing of targeted information with national administrations will lead to better enforcement, ultimately translating into less pollution.

EMSA has already made significant advancements in digitalisation of its operations and services offered to the Commission, Member States and the wider maritime community over the past years. Its digital systems and tools have become a worldwide reference. The Agency’s mandate will be revised to reflect its already expanded digital capacity. This

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<sup>18</sup> [Satellite based Services - CleanSeaNet service - EMSA - European Maritime Safety Agency \(europa.eu\)](#)

<sup>19</sup> [THETIS EU - EMSA - European Maritime Safety Agency \(europa.eu\)](#)

<sup>20</sup> [SafeSeaNet - EMSA - European Maritime Safety Agency \(europa.eu\)](#)

includes the implementation of the European Maritime Single Window environment through the data set providing common specifications for Member States reporting obligations in ports and the ship database containing ship identification information as well as records on ship reporting exemptions. The Agency is also continuously developing its integrated maritime services supporting surveillance by Member States and other EU agencies for a wide range of coast guard functions.

Under the 'Fit-for-55' package, the Agency acquired new tasks, such as the setting up of compliance tools for EU ETS and the FuelEU Maritime Regulation, building on its existing systems and services. As outlined in the Joint Communication and Action Plan on the EU Maritime Security Strategy<sup>21</sup>, the Agency plays an important role in the provision of enhanced surveillance capability through its integrated maritime services and the voluntary Common Information Sharing Environment (CISE) as well as assistance for cybersecurity resilience. The Russian war against Ukraine and the COVID-19 pandemic have demonstrated the added value of EMSA supporting the EU maritime surveillance efforts, contingency planning, and crisis preparedness and response for maritime events through a reinforced 24/7 maritime awareness centre. The continued provision of high-quality provision of such services requires adequate resources in the Agency.

## **5. Promoting trust and cooperation**

EU maritime safety policy has always relied on enhanced cooperation between all actors involved - the Commission, EU Member States, and stakeholders. This was also extended over time to the enforcement of environmental legislation. Indeed, trust in the maritime sector is essential, as without it, there cannot be safety and quality shipping, and - by extension - no trade by sea.

EMSA was created to facilitate joint work by the Commission and EU Member States to ensure the highest level of safety in EU waters and along EU coasts. EMSA's visits to maritime administrations assist the Commission in fulfilling its responsibilities in checking that EU legislation is adequately applied and enforced by Member States. They also allow for the sharing of best practices as well as of challenges between Member States. EMSA's activities and services improve information-exchange and increase collaboration as well as trust building among maritime administrations in Europe, with neighbouring countries and globally, notably through EU Member States' joint action within the IMO.

The initiatives included in the maritime package aim to further deepen the trust and cooperation among all parties. The flag State Directive will facilitate information-sharing between flag States on the results of inspections, issues of common concern, the oversight of recognised organisations and flag State compliance issues in general. This will be facilitated by EMSA hosted systems such as THETIS as well as by the Commission, which will set up a dedicated expert group.

The port State control Directive's revision will enhance coordination which is largely based on the principle of inspection burden sharing and harmonisation. EMSA will support implementation through a new and enhanced professional development and training (post

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<sup>21</sup> Joint Communication to the European Parliament and the Council on the update of the EU Maritime Security Strategy and its Action Plan "An enhanced EU Maritime Security Strategy for evolving maritime threats", JOIN(2023) 8

qualification) programme for both port State control inspectors and flag State inspectors / surveyors / auditors.

As with port State control, the accident investigation Directive provided from the start for a framework of cooperation between Member States to exchange information on lessons learnt and best practices. EMSA will further increase its support to national accident investigation bodies by making available a pool of experts of different disciplines who could be of service upon request. The Agency will also be able to lend specialised tools and equipment to Member States in need of additional support, enabling EU-wide economies of scale.

EMSA will also enhance cooperation between Member States in the implementation and more effective enforcement of the ship-source pollution Directive. A major shortcoming identified in the evaluation of the Directive was the lack of consistent information exchange and expertise to effectively detect, verify, enforce, and penalise pollution. EMSA will provide enhanced monitoring tools for information exchange, guidance, and training to authorities responsible for detection, verification, and evidence collection. The revision will also include setting up a dedicated expert group to facilitate cooperation. Finally, it will cater for the implementation of other environmental legislation addressing air and water pollution as well as ship recycling.

The list of tasks assigned to port, flag and coastal States is growing, notably due to the twin digital and green transition, and so are the skills needed by the responsible entities. This is happening in a context of scarcer and more stretched Member State resources. As a result, the demand for guidance, technical assistance, and expertise from EMSA will continue to grow. The Agency should be adequately resourced to cater for this greater demand.

EMSA also increasingly helps the Commission to promote EU solutions and standards globally. One such example is how the robust framework for port State control developed in the EU has become a worldwide reference. Cooperation has developed between EMSA and other regional Memoranda of Understanding for port State control such as the Tokyo MoU and the Mediterranean MoU whereby data on inspections is shared between the MoUs. In addition to its work with the Paris MoU, EMSA manages the targeting and inspection reporting database for the Mediterranean MoU.

Through its technical support, EMSA contributes to EU coordination within the IMO and promotes global cooperation to enhance safe, clean, and modern shipping. Ad-hoc external assistance can be provided to third countries' maritime administrations, building on the agency portfolio of capacity-building services. Such assistance, already permanent for neighbouring and candidate countries, will be facilitated under the revised mandate.

## **6. Conclusion**

The EU maritime safety framework provides for quality shipping in EU waters, which protects trade and passengers, citizens at large as well as the environment, supports the single market and boosts the EU's leading international role and strategic autonomy. EU maritime policy enhances the level-playing for EU Member States while considering the need for protecting the competitiveness of our industry and EU interests globally. Certain EU legislation influences maritime safety worldwide, for example EU laws on minimum standards for recognised organisations and on training and certification of seafarers. Furthermore, through its expertise, experience, and political ambition, the EU plays a key

role within the IMO, helping the organisation deliver on higher safety and environmental standards.

The maritime sector is at a turning point. It has embarked on a major transformation to increase its environmental sustainability and contribute to climate change mitigation efforts. Under the European Green Deal, the EU has been proactive through its 'Fit-for-55' package and has continued efforts within the IMO to ensure shipping globally delivers its fair share in our climate mitigation and pollution reduction efforts. Enhancing the enforcement of international environmental law is paramount by adapting rules on compliance and liabilities for illegal behaviour and pollution. Digitalisation provides a massive opportunity for enhancing safety and sustainability, but it needs to be fully harnessed. The prospect of autonomous ships and smart systems requires preparation, testing, regulatory updates, and training and reskilling. The health and safety, working and living conditions of seafarers and maritime transport workers at large also need greater attention.

The COVID-19 pandemic and the new geopolitical environment following Russia's war against Ukraine have highlighted the need for and benefits of close cooperation between the Commission, Member States, and stakeholders at large. Having a robust EU maritime safety framework in place and a resourceful EMSA will facilitate and enhance such cooperation and help EU maritime administrations fulfil their responsibilities. At the same time, it will contribute to a stronger Europe in the world, enhancing the EU's voice within the IMO and other international fora.

The Commission invites the EU legislators to rapidly adopt the legislative initiatives included in this package in order to support high quality, clean and modern EU shipping.