Sea Our Future: Maritime Safety Conference Baltic 2004

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Maritime Safety Proposals
BALTIC 2004
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Maritime Safety Proposals BALTIC 2004

Maritime safety and maritime security have to be improved rapidly in the interest of all Baltic Sea States and Regions. With a view to the great variety of proposals which have recently been introduced by IMO, EP, EU-Commission, HELCOM and NGO’s, and which all deserve being discussed and judged on their respective merits, some proposals may require priority because of their practical value and their ability of being implemented at short term for the whole Baltic Sea Area.

To this end the following proposals and measures are found to be significant to prevent major accidents at sea, to reduce the eventual negative impacts on the Baltic Sea environment and the coastal areas and to promote a Baltic culture of prevention.

In order to implement these proposals a close cooperation between the Baltic EU-Member-States and the Russian Federation as well as a coordination with the EU and the IMO is necessary.

1. Ratification and implementation of all relevant international conventions, EU directives and regulations in the field of maritime safety and security, port state control, liability and compensation.
2. Implementation of one compulsory Tanker Transit Route
3. Expanded use of pilots in narrow and restricted waters of the Baltic Sea
4. Setting up effective plans for the access to places of refuge (anchorages, roadsteads and ports)
5. Permanent provision of emergency tugs along main shipping routes
6. Establishment of clear decision making structures for accident/disaster management together with authority over intervention and combating means
7. Networking of accident management authorities with joint alarm, support and combating plans
8. Networking of port security authorities in the implementation of the ISPS-code
9. Efforts to co-operate in education and training in all fields of maritime safety and security
10. Consistent execution of tasks by Flag State Control and Port State Control as well as strengthening of activities to investigate and prosecute infringements against provisions to prevent pollution of the sea
11. Promoting and implementing further protective measures following the designation of the Baltic Sea area as PSSA
12. Accelerated implementation of safe and environmentally sustainable removal of ship-generated wastes and cargo residues (e. g. utilization of port reception facilities, implementation of no-special-fee-system):
13. Implementation of the EU- and IMO-Regulations for the phasing out of single hull tankers by 2010 at the latest
14. Raising of minimum training standards according to STCW Convention and mandatory implementation of refresher training courses
1. Ratification and implementation of all relevant international conventions, EU directives and regulations in the field of maritime safety and security, port state control, liability and compensation.

The enclosed list provides an overview of current regulations which are being implemented or consulted on at present and which are of significance for maritime safety and security in the North Sea and Baltic Sea. Rapid ratification/introduction or conscientious implementation of the provisions – if not already dealt with by individual member states of the IMO or EU – would certainly raise maritime safety and security to a considerably higher level. This applies in particular to the new EU member states.

A few more individual aspects on improving maritime safety and security, which Schleswig-Holstein considers as especially important and urgent, are discussed below.

Annex
Safety of Ships in the Baltic Sea
- Selected List of New Measures -

IMO
- MARPOL 73/78 Annex IV (Sewage) in force after 27.09.2003 and Annex VI (Air Pollution) in force 2004 (?)
- LLMC Conv. on Limitation of Liability 76 + Prot. 96 , increase of compensation sum, not yet in force
- CLC Conv. on Civil Liability of Oil Pollution Damage 1969, increase of compensation in two steps: 295 mio. in force 01.09.2003 and 900 mio later
- Bunkers Conv. 2001 on compensation/insurance for bunker oil damage, no ratification
- Athens Conv. on Liability for Passengers and Luggage (PAL 74 + Prot. 2002), increase of liability max. 325.000 $, no ratification
- HNS Conv. on Liability for Hazardous and Noxious Substances 96, slow ratifications
- AFS Conv. 2001 on Prohibition of Anti Fouling Systems, in force for EU only
- BALLAST Water Conv., Diplomatic Conference expected in 2004
- WRC Wreck Removal Conv. on liability for and insurance against wrecks; Diplomatic Conference expected in 2004
- AIS (Automatic Identification System) and VDR (black boxes) SOLAS Chapter V, in force since 2002 to be implemented until 31 Dec. 2004
- PSSA (Particularly Sensitive Sea Areas) Guidelines 2001 in force, various applications on the agenda of IMO
- ISPS Code (Int’l Ship and Port Facility Security Code against terrorism in maritime transport), enters into force on 01.07.2004, includes hull numbers, AIS, alarms, security assessments, security plans and security officers for ships and ports
- Flag State Quality Management, auditing system to be introduced; under consideration in IMO
- ILO Labour Standards (GENEVA Accord) diplomatic conference in Sept. 2005

EU Initiatives (ERIKA I+II packages and beyond)
- Dir. 2001/105 on Control of Classification Societies, to be implemented 22.07.2003
- Dir. 2001/106 on Port State Control, to be implemented 22.07.2003
- Dir. 2002/59 on Monitoring and Control of Maritime Traffic, to be implemented before 05.02.2004
- Reg. 1406/2002 on the establishment of the European Maritime Safety Agency (EMSA), final seat of the agency not yet decided, temporary seat Brussels since January 2003; draft regulation to amend Reg. 1406/2002 (additional operational duties for EMSA)
- Dir. 2000/59 on Port Reception Facilities for Oil, Sewage etc, in force since January 2003, implementation in many EU States delayed
- Dir. 2001/96 for the Safe Loading and Unloading of Bulk-Carriers, based on the IMO-BLU Code, to be implemented before 05.08.2003
- Dir. 2002/6 on Uniform Reporting Formalities, based on the IMO-FAL forms, to be implemented before 09.09.2003
- Dir. 2099/2002 on the establishment of the Committee on Safe Shipping (COSS)
- Reg. 782/2003 on the Prohibition of Organic Compounds on Ships, implementing the IMO AFS Conv.; in force as from 09.05.2003
- Draft Dir. on Sanctions Against Environmental Crimes (KOM(2003)92) under deliberation
- Draft Reg. on the Implementation of the ISPS Code, under deliberation
- Revision of Reg. 3051/95 on Safety Management of Ships, to be negotiated

**BALTIC SEA – HELCOM**

**Copenhagen Declaration 2001**

**CONFERENCE OF TRANSPORT MINISTERS and beyond**

- Routeing in Kadetrenden and Gulf of Finland, implemented 2002 and 2003
- Pilotage in sensible areas, only recommendations
- ECDIS Electronic Maps, being implemented
- AIS System in all Baltic States, being implemented by Expert Working Group
- Ban on Single Hull Tankers as from 2015, adopted
- PSSA application for Parts of the Baltic Sea, under deliberation
- Quality Shipping Agreements Government/Industry, available only in Denmark
- National Websites on Ship Safety measures, not yet implemented
- Data Exchange on Accident Investigation, not yet implemented
- Designation of Places of Refuge, not yet implemented
- Establishment of Deep Water Transit Route for the whole Baltic Sea, under consideration by Expert Working Group
- Compulsory Pilotage for Sensible Sea Areas, under consideration by Expert Working Group
- Rules for Ice Classification of Ships and Icebreaker Services, under consideration by Expert Working Group

**National (German) Initiatives**

- New Law on Investigation of Marine Casualties and Incidents (Seesicherheitsuntersuchungs-Gesetz SUG), in force since 2002
- Establishment of Maritime Emergency Response Centre (Havariekommando) in Cuxhaven, January 2003
- Emergency Towing Concept (Notschleppkonzept), 3 tugs North Sea, 5 tugs Baltic Sea, implemented since 2002
- Concept for designation of Places of Refuge (roadsteads, ports); agreement between Federal and Länder Governments to be concluded
- Concept for Fire Fighting and Mass Evacuation/Treatment of Injured Persons on ferries and passenger ships; under consideration
- Establishment of centralized „German Coast Guard“; under discussion, legal and political problems
2. Implementation of one compulsory Tanker Transit Route

With growing traffic, especially also the higher number of oil, gas and chemical tankers and oil exports from the Russian Federation that are transported across the Baltic Sea and will increase further in the future, the risk increases of accidents with severe effects on the Baltic Sea environment. This needs to be countered with additional measures for transport safety.

The introduction of a pre-set Tanker Transit Route in the Baltic Sea plays an important part in improving shipping traffic safety in the Baltic Sea. The implementation of these measures would result in the following safety improvements:

- Concentration of tankers in deep waters far from the coast
- Facilitating the monitoring of ship movements and deviations from the set course
- Better opportunities for the positioning or concentration of emergency tugs and the accident management equipment at particular danger points
- Consideration of special areas, such as nature reserves, fishing grounds or offshore wind parks
- Reduction in the potential for navigational errors by minimising number of way points

The HELCOM expert working group “Transit Routes for Tankers in the Baltic Sea” was established to draw up an appropriate regulation. The objective is for a concrete route proposal to be presented to and adopted by the IMO in 2005.
3. Increased use of pilots in narrow and restricted waters of the Baltic Sea

As a result of the new oil ports in the Baltic Sea and the ever denser oil tanker and dangerous goods ship traffic, solutions on how to counter the growing threat to the environment need to be worked out and implemented.

Increased consultation of pilots in narrow and busy sea areas could contribute to improving nautical safety.

The IMO recommends the adoption of pilots for larger dangerous goods ships, such as tankers, in certain areas of the Baltic Sea that are difficult to navigate, for example, the Kadetrinne or Öresund.

The objective is to intensify adoption of pilots or compulsory adoption for certain categories of ships, particularly in areas that are environmentally sensitive and difficult to navigate.

A HELCOM working group is currently holding preparatory talks on the implementation of the adoption of pilots.
4. Setting up effective plans for the access to places of refuge (anchorages, roadsteads and ports)

Accidents over the last few years, particularly the sinking of the “Prestige”, have once again shown that rapid allocation of a place of refuge in a port or in the roadstead can be an appropriate measure in order to deal with complex cases of damage at sea (oil damage, environmental damage, fire, etc.) in peace, relatively safely and effectively. Possible damaging after-effects, which can often be expected when a damaged ship is left at sea, can be limited considerably or prevented completely if a damaged ship is quickly transferred to a place of refuge.

The IMO as well as the EU have adopted relevant guidelines on setting up places of refuge (IMO Res. A 949 and 950/2003; EU RL2002/59/EC).

In Germany, the necessary regulations on the identification of places of refuge are currently being drawn up. The states party to the IMO Treaty and the EU member states are called upon to create and implement appropriate national regulations.
5. **Permanent provision of emergency tugs along main shipping routes**

As part of an agreed emergency strategy, the provision of emergency tugs is also necessary. Emergency tugs can prevent threats to the environment associated with the stranding of damaged ships and hold ships in position. Furthermore, they make it possible for ships to be towed to a place of refuge in the first place. From here the damage can be repaired. Therefore, permanent stationing of emergency tugs along the main shipping routes primarily in the Baltic Sea is, because of the special traffic situation in the Baltic Sea, an important measure in strengthening ship safety along our coasts.

Rapid assistance from tugs is crucial for dealing with a large number of accident situations. In order to ensure this assistance, provisions must be made within the framework of government spending on risk defence (Gefahrenabwehr), either by maintaining the required emergency tug capacities using government-owned ships or through appropriate contracts with private shipping companies.

The introduction of a comprehensive emergency tug strategy for the whole of the Baltic Sea Region is a key element of provisioning for maritime emergencies.
6. Establishment of clear decision making structures for accident/disaster management together with authority over intervention and combating means

A standard management structure for the coastal waters of the Federal Republic of Germany was created with the establishment of the Accident Task Force (Havariekommando) on 1 January 2003. The Accident Task Force is responsible for planning, preparing, exercising and executing measures for rescuing people, combating accidents involving harmful substances, fire fighting, assistance, as well as salvaging in the event of complex damage situations at sea.

For international co-operation in the area of the Baltic Sea, all endeavours must be made to unite standard international structures for disaster/accident management. These could be oriented towards the functions and organisation of the Accident Task Force.
7. Networking of accident management authorities with joint alarm, support and combating plans

In the various states bordering the Baltic Sea there are plans for action within the framework of the risk defence at sea. It is to be assumed that the individual countries have different alarm, support and defence plans, which are different because of the structures of defence against dangers in these countries.

In order to realise Recommendation No. 6, it is necessary to disclose the alarm, support and defence plans of the states bordering the Baltic Sea and assess these with regard to their technical and content-based compatibility and thus networkability. It would be desirable for these plans to provide information on action structures and resources as well as fast and mutual access to these within the framework of a possible future network.
8. Networking of port security authorities in the implementation of the ISPS code

An amendment of SOLAS (Safety of Life at Sea) is the IMO’s response to the terrorist attacks of 11 September 2002. As a result similar security measures have been taken in ports and the ships of member states as have been taken in airports. The relevant governments commissioned special authorities (Designated Authority - DA) to implement these measures at ports. In Schleswig-Holstein, the Water Police Department (Wasserschutzpolizeidirektion) is responsible for this task. It forms a network with the DAs of the other German Laender bordering the Baltic Sea and the North Sea with the objective of agreeing uniform standards and security standards as well as general implementation issues in order to take into account sufficiently the IMO’s guidelines and the safety requirement, while at the same time ensuring that no distortion of competition arises.

With the recommendation, all governments of the other countries bordering the Baltic Sea are called upon to create between them a comprehensive network of agreements by the relevant authorities so that these authorities can maintain stronger cooperation and agreement to ensure uniform standards and equal conditions for competition.
9. **Efforts to co-operate in education and training in all fields of maritime safety and security**

In the field of maritime accident management as well as in police situations within the framework of politically motivated violent crime (terrorism), the nation states have their own, usually uniform structures and responsibilities. In Germany, the Accident Task Force in Cuxhaven as well as the Regional Offices of Criminal Investigation and the Federal Office of Criminal Investigation are responsible for this.

With the recommendation, all governments of the other countries bordering the Baltic Sea are called upon to enter into even stronger and closer co-operation between the national central offices for combating accidents on the one hand and combating terrorism at sea (police action management) on the other, with particular emphasis on the relevant bordering states. Essentially, the objective of closer co-operation should be:

- Immediate provision of information for all countries and alarms in the event of major accidents/terrorist threat situations
- Mutual support measures, provision of resources and equipment, particularly special ships and special equipment, as well as sufficient personnel
- Guarantee of necessary data exchange (e.g. type, number and location of resources, record and submission of personal data for personal identification to the office in charge), effective co-operation as part of international and police legal assistance
- Agreements and regulations on adoption/support of management in the case of mobile situations (safety and security) with affected bordering states, taking into account action management by the Federal Office of Criminal Investigation in the event of certain terrorist situations at national level.
10. Consistent execution of tasks by Flag State Control and Port State Control as well as strengthening of activities to investigate and prosecute infringements against provisions to prevent pollution of the sea

In principle, states in whose registers ships are registered must ensure that international provisions are adhered to (so-called Flag State Control). In addition, ships put in at port are inspected as part of the so-called Port State Control. Unfortunately, Port State Control often reveals deficiencies in Flag State Control. Even the Port State Control is often not executed rigorously enough according to the international agreements (required control quota of 25%).

For this reason, flag state controls and port state controls are to be executed more consistently in order to guarantee the proper condition of the ships and adequately skilled ship personnel. More thorough inspections of the execution of flag state controls and port state controls as regards quality and quantity carried out by IMO (maybe as part of an audit) could lead to improvements here.

In addition, shipping traffic is to be controlled for example by intensive monitoring from the air to ensure that shipping is not causing oil pollution.
11. Promoting and implementing further protective measures following the designation of the Baltic Sea area as PSSA

In April 2004 the IMO accepted the proposal submitted by the governments of Denmark, Sweden, Finland, Latvia, Lithuania, Estonia, Poland and Germany to designate the Baltic Sea except Russian waters as a Particularly Sensitive Sea Area (PSSA). The resulting action will be a particular indication of the Baltic Sea on nautical charts and thus an increased awareness of the sensitivity of this area to impacts from shipping.

In order to protect the Baltic Sea area from impacts resulting from shipping, however, the designation needs to be followed by more comprehensive measures concerning traffic surveillance, new routing systems e.g. in the southern Baltic Sea, escort/escorting tugs to avoid grounding, enhanced pilotage especially at endangered straits and the identification of areas to be avoided by ships (e.g. wintering or moulting areas of seabirds, important reproduction and nursery grounds of marine mammals and fish species).

Since the maritime oil transportation is increasing continuously as a result of new oil terminals protective measures need to be agreed on as soon as possible in order to avoid environmental damages such as the killing of thousands of seabirds, the destruction of ecosystems or the pollution of adjacent coastlines due to serious oil tanker accidents or severe chronic oil pollution. Therefore, the federal state of Schleswig-Holstein strongly supports all actions and co-operations aiming at the protection of ecosystems and recommends all Baltic Sea states to agree on and to enforce the implementation of appropriate protective measures to minimize maritime pollution in all Baltic Sea areas.
12. Accelerated implementation of safe and environmentally sustainable removal of ship-generated wastes and cargo residues (e.g. utilization of port reception facilities, implementation of no-special-fee-system)

Following the adoption of the EU-Directive 2000/59/EC on port reception facilities for ship-generated wastes and cargo residues and according to the HELCOM recommendations several Baltic Sea states introduced the so-called no-special-fee-system in order to prevent illegal discharges and disposal of hazardous wastes (oil residues, garbage, sewage) at sea. This system is defined as a charging system which includes the cost of reception and the disposal of ship-generated wastes in a harbour fee irrespective of whether the ship makes use of the port reception facilities or not. The fee could be calculated by the type and size of the ship and the number of crew and passengers. The aim of this system is to encourage ship owners to use port reception facilities since there is no economic advantage in the disposal of ship-generated wastes at sea.

One prerequisite for the effective implementation of this system is the harmonisation of procedures and fees for all national harbours as well as the introduction and application of this system in all relevant ports of the Baltic Sea. In Germany the EU-Directive is being implemented by national and federal legislation. In general, however, an effective system for an environmentally sustainable removal of ship-generated wastes and cargo residues is not yet established in all EU-member countries.
13. Implementation of EU and IMO regulations for the phasing out of single hull tankers by 2010 at the latest

At the 50th meeting of the MEPC (Maritime Environment Protection Committee) of the IMO (International Maritime Organization) in December 2003, crucial measures were adopted towards further improving tanker safety. Regulations which the EU had introduced for its area in October 2003 will largely apply to the whole world from 2005. The regulations include phasing out single hull tankers considerably earlier than provided for in previous regulations.

Newer single hull tankers must be taken out of service by 2010 (in individual cases, by 2015 at the latest). The particularly problematic shipments of heavy fuel oil may no longer be executed in single hull tankers with a capacity greater than 5,000 tons deadweight (dwt). From 2008 onwards, tankers with a capacity of between 600 dwt and 5,000 dwt must have a double hull to transport heavy fuel oil. For an interim period, regional opening clauses will provide for exception regulations under certain circumstances within the regions own waters.

The task now is to implement the regulations within the given periods, to monitor adherence to these regulations and avoid excessive use of exception regulations.
14. Raising of minimum training standards according to STCW Convention and mandatory implementation of refresher training courses

According to estimates, around 80% of all accidents at sea are attributable fully or in part to human error. This underlines the need to improve the status of training for ship personnel. The international standardisation of training standards according to the so-called STCW Convention (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers) is the first important step in this direction. Now it is time to launch an initiative to review and expand the STCW Convention with the objective of:

- Raising the minimum training standards
- Introducing mandatory refresher training courses on ship safety and accident management for seafarers, captains, officers and engineers
- Expanding the content of the training courses, especially taking into account ship management in emergency situations (places of refuge, emergency tugs, salvage, combating harmful substances), with the involvement of the interface Land/Ship as well as cooperation with the disaster operations centres on land.