

EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

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SUBCOMMITTEE II ON THE FREE MOVEMENT OF CAPITAL AND SERVICES

EEA EFTA Comment **on the Maritime Safety Package**

1. EXECUTIVE SUMMARY

- *The Agreement on the European Economic Area (EEA Agreement) extends the Single Market to the EEA EFTA States (Iceland, Liechtenstein and Norway).*
- *The EEA EFTA States welcome the Maritime Safety Package, particularly the European Commission's proposals to amend the Directives on compliance with flag State requirements, on port State control and on maritime accident investigation and the Regulation establishing a European Maritime Safety Agency (EMSA). This Comment does not cover the proposal on ship-source pollution.*
- *The EEA EFTA States support the overall ambition to improve the maritime safety of the EEA maritime fleet and its seafarers, and to protect the environment through a coherent first, second and third line of defence.*
- *The EEA EFTA States have concerns about the reduced flexibility for the relevant national authorities to organise their resources. To ensure a high level of safety for EEA-flagged ships, it is important to allow flexibility to facilitate a suitable risk-based approach.*
- *The EEA EFTA States support the alignment of the EU directives with the relevant international conventions and the decisions of the Paris Memorandum of Understanding (MoU) on Port State Control. Any supplementing requirements at EU level must be justified and proportionate, and the EEA EFTA States are therefore concerned about the possibility of future implementing acts at EU level, further specifying the requirements under the International Maritime Organization's Instruments Implementation Code (III Code).*

- *The EEA EFTA States especially welcome and support the implementation of a port State control regime for fishing vessels, as well as the extension of the Accident Investigation Directive to smaller fishing vessels. The EEA EFTA States support the addition of weight to environmental parameters when targeting ships for inspection based on a ship risk profile, but stress that the parameters of the risk profile must be suitable to identify the actual safety and environmental risk of the ship.*
- *The EEA EFTA States support the update of EMSA's mandate in light of sustainability and evolving security concerns and the promotion of digitalisation within the maritime sector, and support the Commission's focus on centralised storage and sharing of information.*

2. GENERAL REMARKS ON THE PROPOSALS

1. EEA EFTA States Iceland and Norway have a long and proud maritime history, where safe, secure and environmentally sound shipping is essential. Iceland and Norway have some of the greatest gross weight of seaborne freight handled in their ports across the wider EEA.¹ Norway controls the tenth largest merchant fleet measured by tonnage (55.5 million deadweight tonnage; 2.5% of the world's total) and the sixth largest fleet measured by value (4.7% of the world's total).² Furthermore, Norway operates the largest fishing fleet per tonne in the wider EEA (463 264 gross tonnage (GT) in 2022) and Iceland the fourth largest (162 919 GT in 2022).³
2. The EEA EFTA States have a high focus on reducing accidents and incidents at sea. Norway is listed as a high-quality flag in the Paris and Tokyo Memoranda of Understanding on Port State Control and QualShip21, and Iceland has a very good safety record involving fishing operations, having reduced deaths at sea to a small number and in some cases enjoying years without any loss of life at all.
3. The EEA EFTA States welcome the Commission's proposals to amend the Directives on compliance with flag State requirements,⁴ on port State control⁵ and on maritime accident investigation⁶ and the EMSA Regulation.⁷ The EEA EFTA States support the ambition to improve the maritime safety of the EEA maritime fleet and its seafarers, as well as to improve the protection of the environment through a coherent first, second and third line of defence.
4. Due to the global nature of shipping, the EEA EFTA States support the alignment of the EU directives with the relevant international conventions and the decisions of the Paris

¹ [Eurostat – Gross weight of seaborne freight handled in all ports, 2021 \(tonnes per capita\)](#)

² [Review of Maritime Transport 2023 | UNCTAD](#)

³ [Eurostat – Fishing fleet, total tonnage 2022](#)

⁴ [COM\(2023\) 272 Proposal for a directive amending Directive 2009/21/EC on compliance with flag State requirements](#)

⁵ [COM\(2023\) 271 Proposal for a directive amending Directive 2009/16/EC on port State control](#)

⁶ [COM\(2023\) 270 Proposal for a directive amending Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector](#)

⁷ [COM\(2023\) 269 Proposal for a regulation on the European Maritime Safety Agency and repealing Regulation \(EC\) No 1406/2002](#)

MoU on Port State Control. Quality shipping is essential to strengthen maritime safety and to ensure a global level playing field for maritime stakeholders.

5. The EEA EFTA States underline, however, that any supplementary requirements at EU level should be sufficiently justified and proportionate, and that as a starting point, ensuring compliance with the international conventions, together with the second line of defence carried out by port State authorities, should be sufficient to ensure a high level of quality for EEA-flagged ships. Adopting implementing acts at EU level that go beyond the requirements of the III Code should not be a possibility.
6. Furthermore, to ensure a high level of safety for EEA-flagged ships, the EEA EFTA States argue that it is important to allow a sufficient degree of flexibility for each flag State to facilitate a suitable risk-based approach to the work that they carry out to fulfil their flag State responsibilities, as also laid out in international law.
7. The EEA EFTA States fully support the continuous improvement of the framework for port State control inspections in the EEA to target underperforming ships and thereby improve the safety and environmental performance of all ships operating in European waters. Hence, the EEA EFTA States are supportive of adding more weight to environmental parameters when targeting ships for inspection based on a ship risk profile. However, the parameters of the risk profile must be suitable to identify the actual safety and environmental risk of the ship. The EEA EFTA States do not believe that an inferior IMO Carbon Intensity Indicator (CII) in itself indicates that a ship is substandard, or that an incident is more likely to occur.
8. The EEA EFTA States welcome and strongly support the proposal to implement a parallel port State control regime for fishing vessels above 24 metres of length, to be further developed in cooperation between the Commission, the EEA States and the Paris MoU on Port State Control. This initiative is of vital importance in contributing to a higher level of safety for the fishing vessel fleet operating in the EEA. As such, the EEA EFTA States also support the proposal to include fishing vessels below 15 metres of length in the Directive on maritime accident investigation.
9. The EEA EFTA States acknowledge EMSA's substantial contribution since 2002 to the establishment of a high level of maritime safety and pollution prevention in the EEA. The EEA EFTA States support the proposal to align EMSA's mandate with its role in supporting the sustainability and digitalisation of the maritime sector, as well as to update the agency's tasks in light of the evolving security challenges at sea, including cybersecurity and hybrid threats.
10. The EEA EFTA States welcome efforts to promote the digitalisation of maritime administrations, and support the Commission's focus on the centralised storage and sharing of relevant information. It is important that this digitalisation contributes to reducing the administrative burden for maritime administrations, and that any requirements regarding the sharing of ship information and certificates remain technology neutral.
11. Finally, the EEA EFTA States highlight the importance of well-functioning cooperation between the EU and the EEA EFTA States at all levels. Therefore, it is crucial to ensure

the EEA EFTA States' continued participation in the EMSA Management Board, and their involvement in the proposed new high-level group on flag State matters.

12. These comments are given without prejudice to further comments from the EEA EFTA States and the assessment of the final acts in the package, including the Directive on ship-source pollution, which will be carried out by the EEA EFTA States once the acts have been adopted by the EU.

3. REMARKS ON SPECIFIC PROVISIONS IN THE PROPOSALS

13. The EEA EFTA States acknowledge the importance of well-functioning and strong flag State administrations to effectively reduce the possibility of operating ships that do not comply with statutory requirements under an EEA flag. However, it is crucial to uphold the flexibility that the flag State administrations need to organise their work and resources. In this regard, the **EEA EFTA States suggest deleting Article 4b (4) of the proposed flag State directive** foreseeing the adoption of implementing acts to determine binding minimum requirements in relation to the requirement that administrations shall rely on appropriate resources, commensurate with the size and type of their fleet.
14. The EEA EFTA States support the development of a capacity-building scheme for flag State inspectors, as reflected in **Article 4c of the proposed flag State directive**, and acknowledge that this could benefit those flag States that have not yet developed and implemented a comprehensive post-qualification training programme. However, the EEA EFTA States advise against a mandatory requirement for all relevant personnel to participate in such a capacity-building scheme. A mandatory training scheme risks becoming a bottleneck for the training of new and existing personnel, thereby impacting the efficiency of the inspection work. The EEA EFTA States suggest that the directive should promote a more flexible approach by allowing the use of individual course modules in the nationally coordinated training of flag State personnel. This will ensure a certain level of common capacity building, while at the same time reducing the risk of an unnecessary increase in the burden on flag State administrations.
15. As put forward by **Article 10(2) of the proposed port State control directive**, environmental parameters will be introduced to the risk profile of ships subject to port State control. The EEA EFTA States are of the view that the inclusion of the IMO CII according to Regulation 28 of MARPOL⁸ Annex VI in the ship risk profile for ships with a D or E rating is unfortunate. An inferior CII rating does not indicate that a ship is substandard, or that an incident is more likely to occur with that ship compared with similar ships with a superior CII rating. Thus, allocating resources to carrying out prioritised port State controls based on the CII rating would be neither efficient nor in line with the fundamental purpose of the ship risk profile. Furthermore, the IMO has acknowledged that there are challenges connected with the use of the CII, and that there should be soft enforcement of these requirements. The CII is expected to be improved with regard to the challenges identified during the IMO's revision of the short-term measures to be completed by 1 January 2026.

⁸ [International Convention for the Prevention of Pollution from Ships \(MARPOL\).](#)

16. **Article 14(4) of the proposed port State control directive** requires that an expanded inspection shall be carried out by no fewer than two port State control inspectors, while **Article 24(3)** requires that the inspection report shall be validated by a port State control inspector who was not part of the team that carried out the inspection. The EEA EFTA States acknowledge the purpose and considerations of these requirements, but argue that they are more comprehensive than necessary. The **EEA EFTA States suggest allowing for exemptions** from the requirement of using two port State control inspectors in specific cases based on local conditions, and/or for a limited number of expanded inspections each year. In addition, competent personnel other than port State control inspectors should be allowed to validate inspection reports.
17. The EEA EFTA States suggest **deleting Article 8(7) of the proposed directive on maritime accident investigation** requiring the EEA States to develop, implement and maintain a certified quality management system for their investigation authorities. As stated in the proposed directive, the number of staff available in maritime safety investigation authorities varies significantly across the EEA, and the proposed requirement will particularly impact the resource flexibility of smaller investigation authorities to carry out their work effectively.