



Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
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The Manual should be cited as follows:

Farmer, A.M. (2012) (Editor). Manual of European Environmental Policy. 1043pp. Routledge, London.



Maritime transport of dangerous goods

Formal references	
2002/59/EC (OJ L208 05.08.2008)	Directive establishing a Community vessel traffic monitoring and information system and repealing Directive 93/75/EEC
Proposed 06.12.2000 – COM(2000)802	
Amended by	
2009/17/2000/EC (OJ L131 28.05.2009)	Directive amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system.
Legal base	Article 100 TFEU (originally Article 80(2) TEC)
Entry into force	5 August 2002
Formal compliance	5 February 2004

Purpose of the Directive

The Directive requires Member States to monitor and take all necessary and appropriate measures to ensure that the masters, operators or agents of ships, as well as shippers or owners of dangerous or polluting goods carried on board such ships, comply with the requirements under the Directive. However, the Directive does not only deal with dangerous goods but establishes also a vessel traffic monitoring and information system in order to enhance the safety and efficiency of maritime traffic, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and contributing to a better prevention and detection of pollution by ships.

Summary of the Directive

The Directive 2002/59/EC establishes a vessel traffic monitoring and information system, and extends the reporting requirements of the earlier Directive [93/75/EEC](#) to include other dangerous or polluting goods, particularly bunker fuels carried on board. There is a requirement for ships to carry Voyage Data Recorders (VDRs) for use in accident investigation; to notify the port authority in advance of information about the ship (persons on board, destination etc.), together with information on whether the cargo represents a particularly serious threat to maritime safety; for Member States to monitor and take appropriate actions to ensure that all ships entering the area of a mandatory ship reporting system, as adopted by the International Maritime Organization (IMO), comply with the systems; that all ships be fitted with an identification system (AIS) by dates set out in Annex II of the Directive according to the ships age, and that Member States provide themselves with appropriate equipment to read AIS information; and a number of requirements regarding the procedures to take in bad weather, including a requirement on Member States to accommodate ships in distress in ports of refuge.

Ships coming from a port outside the Community and bound for a port of a Member State carrying dangerous or polluting goods, shall comply with the notification obligations of Article 12, as amended by Directive 2009/17/EC. It states that no dangerous or polluting goods may be offered for carriage or taken on board any ship, irrespective of its size, in a port of a Member State unless a declaration has been delivered to the master or operator

containing the information listed in Article 12. The operator, agent or master of a ship carrying dangerous or polluting goods and leaving a port of a Member State is required to, at the latest at the moment of departure, notify the competent authority designated by that Member State. Article 12 sets also requirements on operators, agents or masters of ships carrying dangerous or polluting goods coming from a port located outside the Community and bound for a port of a Member State or an anchorage located in a Member State's territorial waters.

In accordance with Directive 2002/59/EC, Member States and the Commission have made substantial progress towards harmonizing electronic data exchange, in particular as regards the transport of dangerous or polluting goods. The High Level Steering Group on SafeSeaNet was established in July 2009 through Commission Decision [2009/584/EC](#) in accordance with Directive 2002/59/EC. The aim of SafeSeaNet is to improve the effectiveness of issues related to maritime information exchange systems.

Development of the Directive

The rationale behind amending Directive 2002/59/EC was to supplement the prevention component of EU's maritime safety policy with a component permitting the operational management of maritime risk at Community level. It was felt that the Directive did not adequately reflect the technology developments that had taken place since its adoption.

The proposed amendment was part of the third maritime safety package, which contained seven proposals.

The Directive was adopted by the Council following conciliation between the European Parliament and Council and a third reading by the European Parliament.

Implementation of the Directive

The time limit for implementing national measures for Directive 2002/59/EC was 5 February 2004 but the Commission and the Member States worked together on its adoption in June 2002 to ensure that the Directive was implemented in good time.

The experience gained with implementing the Directive 2002/59/EC has revealed differences of understanding and implementation by the Member States as regards the content of the plans and the responsibilities of the authorities concerned, which have to be remedied by making the existing provisions clearer and more focused.

Enforcement and court cases

There were four European Court of Justice cases linked to the earlier Directive 93/75/EEC but none in relation to Directive 2002/59/EC.