



**CONSEIL DE
L'UNION EUROPÉENNE**

Bruxelles, le 11 décembre 2008

17043/08

**MAR 246
ENV 975
ECOFIN 605**

RÉSULTATS DES TRAVAUX

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| Du: | Secrétariat Général du Conseil |
| Aux: | Délégations |
| n° doc. préc.: | 16582/08 MAR 233 ENV 916 ECOFIN 585 |
| Objet: | Projet de résolution du Conseil sur le Centre de l'Union européenne de données d'identification et de suivi des navires à grande distance (LRIT) - Adoption |

Le 9 décembre 2008, le Conseil "Transports, télécommunications et énergie" est parvenu à un accord sur le projet de résolution visé en objet. Les délégations trouveront ci-joint le texte de la résolution modifié à la lumière des discussions du Conseil.

**DRAFT COUNCIL RESOLUTION
concerning the EU LRIT Data Centre**

THE COUNCIL OF THE EUROPEAN UNION,

Recalling the adoption by the International Maritime Organization (IMO) of regulation V/19-1 of the International Convention for the Safety of Life at Sea, 1974 (SOLAS) relating to the long-range identification and tracking of ships (LRIT),

Considering that, in order to comply with that regulation, all IMO contracting governments should establish or select an LRIT data centre,

Stressing the resolution adopted at its meeting on 1 and 2 October 2007, by which the Council agreed to the establishment of a European Union Long Range Identification and Tracking Data Centre (EU LRIT DC), to be managed by the Commission, in cooperation with Member States, through the European Maritime Safety Agency (EMSA),

Therefore, considering that this resolution should be complemented in order to settle certain outstanding issues, in particular questions related to overseas countries, territories and third States and the financing of additional LRIT reports,

Recognising the added value of managing and organising the sharing of LRIT information within a regional data centre at EU level, for the purposes of maritime security, Search and Rescue (SAR), maritime safety and protection of the marine environment,

Recalling that the LRIT data is owned by the Flag State and that this principle is not affected by the establishment and the operation of the EU LRIT DC,

Recalling that the costs arising from the fulfilment of the minimum SOLAS requirements concerning LRIT data, i.e. four daily LRIT reports sent by a vessel flying the flag of a Member State, should be covered by the Community budget,

Recalling that the EU LRIT DC should, subject to the completion of necessary technical work, make use of the existing SafeSeaNet system communication platform in order to facilitate the sharing of LRIT information between Member States,

1. RECOGNISES the initial work undertaken to date by the Commission, through EMSA and the Member States, setting up the European Union Long Range Identification and Tracking Data Centre (EU LRIT DC) and INVITES the Commission to continue taking appropriate action in order to ensure that all the necessary infrastructure is in place, and the Member States to submit information concerning ships flying their flag as early as possible to the EU LRIT Data Centre, in view of a timely establishment of the latter in accordance with the implementation plan along with the transitional arrangements agreed at IMO for the completion of the establishment of the LRIT System during the period between 31 December 2008 and 30 June 2009.
2. ENCOURAGES progress in defining, in cooperation between the participating Member States and the European Maritime Safety Agency, the Condition of Use of the LRIT system, in particular the financial modalities.
3. CALLS UPON Member States to develop, within the European Union, the exchange of information and to jointly define the exchange of information with third States, through cooperation in establishing their data distribution plan; consequently INVITES the Commission to propose, in cooperation with Member States, a policy of access rights, both with regard to Member States as well as to third countries, to information collected or exchanged by the EU LRIT DC in accordance with the decisions taken at the IMO level.

4. NOTES the progress made, within the context of IMO, in defining the boundaries of geographic areas within which Member States are entitled to receive LRIT information. RECALLS that the geographical information provided in the LRIT Data Distribution Plan is not to be used, interpreted or considered as supporting or prejudicing the position of a State participating in the EU LRIT DC in relation to land or maritime claims or land or maritime sovereignty disputes. Furthermore, none of the data or information provided in relation to the geographical areas defined in the LRIT Data Distribution Plan is to prejudice the rights, jurisdiction or obligations of States under international law, in particular relating to the continental shelf, the legal regimes of the high seas, the exclusive economic zone, the contiguous zone, the territorial seas, internal waters or the straits used for international navigation and archipelagic sea lanes.
5. AGREES that costs arising from the requests made by Member States' Maritime Rescue Coordination Centres should be covered by the Community budget.
6. AGREES that costs arising from the requests made by Maritime Rescue Coordination Centres in the overseas territories of Member States listed in Annex II to the EC Treaty should also be covered by the Community budget.
7. Further AGREES that any appropriate action should be taken at IMO in view of clarifying that LRIT information requested in case of an emergency or casualty will be provided free of charge by the EU LRIT DC to any Maritime Rescue Coordination Centre and, in the meantime, that the EU LRIT DC should provide such information free of charge.
8. CONSIDERS that, for the examination of a request for participation in the EU LRIT DC by a third country or by a territory which is not covered by the EC Treaty, the following criteria should be applied:
 - Be a party to the SOLAS Convention;
 - Not be a Flag State on the blacklist of the Paris MOU on port State control;

- Not apply, as a port and/or coastal State, any discriminatory measures against ships flying the flag of a State participating in the EU LRIT DC or registered in such a State, or against Community interests;
- Apply maritime safety and security rules similar to those implemented in the European Union;
- Have expressed willingness to have its Maritime Administration audited by the IMO in accordance with IMO Resolution A.974 (24);
- Agree to be subject, if deemed necessary by the Commission or requested by a Member State, to an audit of its national LRIT-related information system concerning its compliance with the operational requirements set by the EU LRIT DC.

AGREES that when such participation is approved by Member States, no access to the LRIT information of other States participating in the EU LRIT DC should be granted to the third State or the territory not covered by the EC Treaty, unless otherwise decided.

AGREES that the costs arising from such participation should not be covered by the Community budget.

9. CALLS UPON the Commission to elaborate, in cooperation with Member States and with the help of EMSA, and without prejudice to the international framework on LRIT, a definition and the modalities of exchange and financing of common interest reports, in particular to be used jointly by Member States in early warning areas off Member States' coasts, especially for the prevention of pollution and maritime safety purposes.
10. INVITES the Commission and the Member States, in the context of the EU Master Plan for the Automatic Identification System (AIS), to continue working to achieve the availability of integrated LRIT and AIS data through the SafeSeaNet system and to report on this work and on the use of the SafeSeaNet system for sharing information.
