



PLAN FOR SUSTAINABLE SHIPPING

4 July 2018



PHILIPPE DE BACKER

Secrétaire d'Etat à la Justice, contre la fraude fiscale
à la Profession des Armateurs de Belgique - Noot



Service public fédéral
Mobilité et Transports

DIG Mobiliteit



Union
Royale des
Armateurs Belges

Partnership agreement between:

- The Royal Belgian Shipowners' Association, represented by Mr Ludwig Criel, Chairman RBSA, and Mr Wilfried Lemmens, Managing Director
- Directorate-General Shipping, FPS Mobility and Transport, represented by Mr Eugeen Van Craeyvelt, Director-General
- The State Secretary for the North Sea, Mr Philippe De Backer

Shipping is of great importance for global trade and indispensable for prosperity in Belgium. Every year, an average of 150,000 ships cross the Belgian part of the North Sea. It concerns transit traffic from the south to the north and vice versa, as well as traffic from and to the Belgian ports that connects with the global merchant shipping traffic.

The merchant fleet sailing under the Belgian flag represents a gross tonnage (GT) of more than 5.4 million and a deadweight tonnage (DWT) of more than 7.8 million, placing it among the top 25 of the IMO Member States.

The fleet controlled by Belgium ranks 18th among seafaring nations. The fleet of Belgian shipowners has grown one and a half times more than the world fleet. More than 5,500 people work on board Belgian sea-going ships every day.

Belgium has been a maritime nation for more than 180 years. As a member of the IMO Council, we defend the vision of sustainable shipping, fair competition and a level playing field. In order to continue to play this pioneering role, we need to further focus on innovation and modernisation.

This partnership agreement proposes measures in the following areas:

- Administrative simplification through digitalisation
- Improvement and simplification through legislative initiatives
- Creation of a level playing field
- International cooperation
- Greening of shipping

I. Administrative simplification through digitalisation

(1) Digitalisation of certificates

The use of electronic certificates on board ships has been approved by the IMO for several years now. Denmark was the first country to start issuing digital certificates, and the results show that the Danish fleet has not been affected - quite the contrary.

There are many advantages to using electronic certificates.

As a first important point, this project allows Belgium to present itself as an innovative and progressive flag that is up to date with the latest technologies. This can only enhance the reputation and appeal of the Belgian flag.

There is also a great ease of use associated with the issue of electronic certificates. The certificates are now printed on safety paper, signed and sent to the shipping company. All of this takes time. The shipping industry is a high-tech industry where speed is of the

essence. By using electronic certificates, waiting times for sending paper certificates by post are avoided, and the shipping company immediately has the right certificates on board without waiting times.

By also allowing the request to be processed electronically, through electronic applications of DG Shipping, the shipowner can follow up the entire certification process even faster and easier. Furthermore, the entire process can be fully streamlined. For instance, when paying the fee for a certificate or several certificates, the total amount of the fee can be calculated automatically, and the system could also immediately send an invoice to the shipping company. This is also advantageous for the shipping company because they can apply for several ships at the same time, confusion about the amounts of the fees is avoided, and they immediately have a supporting document for their accounts.

Finally, electronic certificates allow for better and more accurate control. For instance, an electronic certificate can be withdrawn immediately for a ship that no longer meets the conditions. Foreign port state control authorities overseeing the safety of ships can also check more easily and more quickly whether all certificates for a ship have been issued and are still valid, based on the number and date of the certificate and the IMO number of the ship. Fraud with certificates can also be completely ruled out in this way.

Action:

DG Shipping will further develop the use of electronic certificates together with the RBSA, ensure the necessary legal framework, and have a functional analysis of the ICT application carried out.

In addition to the system of electronic certificates, DG Shipping will examine, in consultation with the RBSA, the possibilities of using electronic logbooks in accordance with the guidelines currently being discussed within the International Maritime Organisation.

(2) Electronic transmission of employment agreements (E-crew)

Art. 37 of the Act of 3 June 2007 on various employment provisions stipulates that: When concluding the employment agreement:

- a copy shall be given to the seafarer,
- another copy shall be carried on board the sea-going ship where the seafarer shall be able to examine it at any time,
- a third copy shall be sent without delay to the official in charge of the shipping inspection, appointed for this purpose, of the home port of the sea-going ship.

The E-crew project will enable the electronic transmission of the seafarer's employment agreement to the above-mentioned official in charge of the shipping inspection.

The electronic transmission of seafarers' employment agreements again offers many advantages: once again, administrative burdens are reduced for the customer, and the competent official immediately has the correct data at his disposal.

In this way, it is possible to automatically check whether the minimum crew complement and the qualifications of the crew members, as included in the crew plan drawn up and approved in accordance with Art. 91 of the Royal Decree of 20 July 1973 on the maritime inspection regulations, are being respected.

Action:

DG Shipping will carry out a functional analysis to roll out this project in practice.

(3) Belgian Maritime Single Window (BMSW)

Directive 2010/65/EU requires Member States to have a maritime single window so that these reporting formalities are made electronically and on a one-off basis. Under this Directive, 2 categories of reporting formalities are considered mandatory: those resulting from legal acts of the European Union, and those resulting from national legislation.

Specifically, in Belgium, data from both the federal and Flemish governments and from the port systems are linked through the development of existing structures, and the CBS and FSB systems. A number of reporting formalities are not yet available for consultation.

In view of the many difficulties the various Member States are struggling with for the implementation of the directives, Europe is currently working on their revision, and a European Maritime Single Window could be a possible path to explore further.

As a progressive maritime nation, Belgium does not want to lose any time and already wants to investigate internally how the exchange of both existing and new data flows can be set up more quickly and more efficiently through an easily accessible platform, while paying the necessary attention to data security and the protection of privacy.

The path of public-private partnership can also be explored here.

Action:

Together with DG Shipping, the office of Minister De Backer will bring all the federal bodies involved around the table, and draw up a needs analysis and roadmap to further develop the BMSW, and make the necessary preparations to meet the requirements of the new European regulations. A joint project on this subject will be examined with the competent Flemish minister(s).

II. Improvement and simplification through legislative initiatives

(4) Ratification of the Seafarers' Identity Documents Convention (ILO 185)

The embarkation and disembarkation of crew members of foreign ships in Belgian ports or of Belgian ships in foreign ports involves the necessary formalities, including having a valid visa.

The ratification of this Convention facilitates and simplifies crew changes between ratifying countries as these countries mutually commit themselves to granting seafarers access to their territory within the shortest possible time, as long as the seafarer has a valid identity document accompanied by a passport for:

- embarkation on a ship or transfer to another ship;
- the transit to embark on their ship in another country or for repatriation or for reasons authorised by the government of that country.

Action:

The office of Minister De Backer and DG Shipping, in consultation with the competent administrations of Employment, and of Home Affairs, will take the necessary steps to ratify this convention.

(5) Ratification of the Protocol for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Protocol)

Safety is a priority for this government, both on land and on water.

Belgium is already a member of the SUA Convention: Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1971), which criminalises a number of acts such as the seizure of a ship by force, acts of violence against persons on board ships that endanger the safety of the ship, destruction of or damage to the ship or its cargo, or spreading false information so that the ship cannot sail safely, ...

The 2005 SUA Protocol criminalises additional acts including using ships to transport biological, chemical or nuclear weapons, or discharging oil, radioactive materials, gas or other harmful substances in such quantities as to cause death, serious injury or damage. The use of these weapons or harmful substances against sea-going ships is also strictly prohibited.

This protocol was concluded to prevent and suppress terrorism against ships, and to increase safety on board and on shore, and to reduce the risks for passengers, crew, port personnel and ships. Moreover, additional possibilities are provided, e.g. to extradite persons or to check the cargo of ships on the high seas. This is fully in line with the scope of the new Maritime Security Unit that was recently set up with a view to the security of our Belgian ships and waters, which is why ratification is deemed necessary.

By ratifying this protocol, Belgium will once again demonstrate its reputation as a maritime nation by taking the necessary steps to become the first country to implement all IMO conventions by 2021.

Action:

The office of Minister De Backer and DG Shipping will take the necessary steps to bring about a speedy ratification of the SUA Protocol.

(6) Belgian Shipping Code (BSC)

In 2007, the Royal Commission for the revision of Belgian maritime law was established. More than 10 years and 11 blue books later, a draft Belgian Shipping Code was approved at the Council of Ministers on 22 December 2017.

In order to give Belgium a code that is adapted to the needs of the modern shipping landscape, it is important that this legislative process is completed.

Action:

The office of Minister De Backer undertakes to submit the Belgian Shipping Code to Parliament before the end of the year.

III. Creation of a level playing field

(7) Reinforcing Port State Control (PSC) on ships in Belgian ports

The inspections on board ships are imposed by European Directive 2009/16/EC (Royal Decree of 22 December 2010) and are related to the international maritime provisions on:

- the safety of the ship and of the persons on board;
- the security of the ship;
- the protection of the marine environment;
- the living and working conditions on board.

In order to ensure effective and uniform application of port State control, the European countries, Iceland, Norway, Canada, and Russia have reached common agreements and laid them down in the Paris MoU. These agreements concern, among other things, the minimum number of ships to be inspected, the risk model on which the selection is based, and certain specific requirements.

The Port State Control department consists of 11 persons including 9 inspectors who together inspect around 1000 ships annually.

The strengthening of inspections will include not only preventive actions, such as raising awareness and informing seafarers of their rights and duties, but also repressive actions.

For instance, during on-board inspections, a report will be drawn up if it is established that:

- the MLC legislation is not respected;
- temporarily imposed measures have no effect;
- deliberate violations are committed in order to obtain an economic advantage;
- repeated omissions are established.

Action:

The office of Minister De Backer will work with DG Shipping to expand the scope of the Administrative Fines Act to include violations of the MLC Act. In order to be able to identify violations easily and uniformly, a basic questionnaire will be drawn up for the inspectors, and guidelines will be developed.

IV. Promoting international cooperation

(8) Concluding bilateral agreements

In March 2017, Belgium received the twofold request from Panama to conclude a bilateral agreement on the mutual recognition of training and certification of seafarers, and to submit a request to Europe in view of that recognition.

By concluding the bilateral agreement, Panamanian seafarers will have equal access to the profession on Belgian ships, under the same wage and working conditions as Belgian seafarers, and vice versa. To this end, the competent Belgian services must carry out an audit of the Panamanian nautical schools.

In accordance with European Directive 2012/35/EU, Belgium can submit a request to Europe for the recognition of the Panamanian training and certification systems. This would allow Panama to be on the EU whitelist of seafarers. In order to obtain such

recognition, an audit must be carried out by EMSA.

Panama is the largest flag state, and being on the whitelist enhances their reputation. The fact that Belgium was chosen for this purpose emphasises once again the high quality of our flag and competent services.

Action:

The office of Minister De Backer and DG Shipping will carry out the necessary audits and requests for the conclusion of a bilateral agreement and the European recognition.

V. Greening of shipping

(9) High Ambition Coalition for shipping

Belgium, together with the Marshall Islands and the Solomon Islands, has a leading role in the HAC for shipping to strive for a high level of ambition and strategy to reduce greenhouse gas emissions from the shipping sector.

On 13 April 2018, an agreement was concluded at MEPC72 to reduce greenhouse gas emissions by 50% compared to 2008. This initial strategy will be reviewed in 2023, taking into account the technological developments and the results of the data collection started at IMO.

Action:

The office of Minister De Backer and DG Shipping will continue to strive for further greening and decarbonisation of shipping. As a member of the IMO Council, Belgium continues to play a pioneering role in this debate. The RBSA, through the think tank, will provide the necessary input to support this debate on a technological and operational level.

(10) Quality of marine fuels

Since 1 January 2015, the North Sea has been an area in which the sulphur content in the fuel is limited to a maximum of 0.1%, unless systems are used that filter the sulphur out of the exhaust gases before they are discharged. DG Shipping is authorised to carry out inspections on the fuels used. Nevertheless, it is very important for shipowners to get the fuels that meet the required standards.

Within MARPOL, only a reference to the ISO standards for marine fuels is included. However, these standards do not contain relevant parameters for all substances. A certain amount of harmful substances in marine fuels, however, can cause the engines of ships to malfunction. In addition to the damage to the engine, the shipowner must de-bunker the fuel tanked, and buy new fuel, which is a serious financial disadvantage.

On the initiative of the RBSA, a working group was established involving shipowners, administrations, and ports in the Netherlands, Germany, and Belgium to work out a joint approach to this problem. Other stakeholders such as bunker suppliers and ISO are also involved in this working group.

Action:

The office of Minister De Backer and DG Shipping will examine, together with the competent administrations, how a control system on marine fuels delivered in Belgium

can be developed. DG Shipping and the RBSA will cooperate within the working group on marine fuels, and place any results from this working group on the IMO agenda.

This partnership agreement will be reviewed annually.

Done in Antwerp on 4 July 2018.



Philippe De Backer
State Secretary for the North Sea



Chairman RBSA



Eugeen Van Craeyvelt
Director-General DG Shipping



Wilfried Lemmens
Managing Director RBSA