

**Proposal for a Directive of the European Parliament and of the Council amending the Directives on maritime safety and the prevention of pollution from ships**

(2000/C 365 E/27)

(Text with EEA relevance)

COM(2000) 489 final — 2000/0237(COD)

(Submitted by the Commission on 15 September 2000)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

procedure described in Article 5 of Decision 1999/468/EC for the purposes of implementing this legislation.

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

(4) The Directives in force in the field of maritime safety should therefore be amended in order to replace the existing committees by the Committee on Safe Seas.

Having regard to the proposal from the Commission,

(5) These Directives should also be amended in order to apply to them the amendment procedures laid down by Regulation (EC) No .../2000 and the relevant provisions of that Regulation designed to facilitate their adaptation to take account of changes to the international instruments applicable in the field of maritime safety,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

HAVE ADOPTED THIS DIRECTIVE:

Whereas:

*Article 1*

**Objective**

(1) The Directives in force in the field of maritime safety make reference to the committee set up by Council Directive 93/75/EEC<sup>(1)</sup> and, in certain cases, to an *ad hoc* committee set up by the pertinent directive. The existing directives provide that the committees thereby established are governed by the rules of Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(2)</sup>.

The objective of this Directive is to amend the Council Directives in force governing maritime safety, protection of the marine environment and shipboard living and working conditions:

(a) by making reference to the Committee on Safe Seas set up by Regulation (EC) No .../2000;

(2) Decision 87/373/EEC was replaced by Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(3)</sup>. As the measures necessary to implement the Directives in force in the field of maritime safety are measures of a general scope within the meaning of Article 2 of Decision 1999/468/EC, they should be adopted by the regulatory procedure laid down in Article 5 of the Decision.

(b) by facilitating their adaptation to take account of changes to the international instruments applicable in the field of maritime safety, prevention of pollution from ships and shipboard living and working conditions, in the manner laid down by Regulation (EC) No .../2000.

*Article 2*

**Amendment of Directive 93/75/EEC**

Directive 93/75/EEC is amended as follows:

(3) Regulation (EC) No .../2000 of the European Parliament and of the Council has set up a committee, the Committee on Safe Seas, to centralise the tasks of the committees established under the pertinent Community legislation on maritime safety, and stipulates the use of the regulatory

1. Article 2 is amended as follows:

(a) in points (e) and (i), the words 'on 1 January 1998' are deleted,

(b) in point (f), the words 'on 1 January 1997' are deleted,

<sup>(1)</sup> OJ L 247, 5.10.1993, p. 19. Last amended by Directive 98/74/EC (OJ L 276, 13.10.1998, p. 7).

<sup>(2)</sup> OJ L 197, 18.7.1987, p. 3.

<sup>(3)</sup> OJ L 184, 17.7.1999, p. 23.

(c) in point (g), the words 'on 10 July 1998' are deleted,

(d) in point (h), the words 'on 1 July 1998' are deleted,

(e) the following subparagraph is added:

'The convention, codes, compendia and resolution referred to in points (e), (f), (g), (h) and (i) of the first subparagraph shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council.'

2. Article 12 is replaced by the following:

*'Article 12*

The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000.'

*Article 3*

#### **Amendment of Directive 94/57/EC**

Council Directive 94/57/EC is amended as follows <sup>(1)</sup>:

1. In Article 2(d), the words 'at the date of adoption of this Directive' are replaced by the words 'without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council.'

2. In Article 7, the first sentence is replaced by the sentence 'The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000.'

3. In Article 8(1), first indent, the words 'to the international codes' are replaced by the words 'to the international conventions, protocols and codes'.

4. Article 13 is replaced by the following:

*'Article 13*

The regulatory procedure laid down in Article 3 of Regulation (EC) No .../2000 shall apply to the matters covered by Article 4(3) and (4), Article 5(1), Articles 8, 9 and 10 and Article 14(2).'

*Article 4*

#### **Amendment of Directive 94/58/EC**

Council Directive 94/58/EC is amended as follows <sup>(2)</sup>:

<sup>(1)</sup> OJ L 319, 12.12.1994, p. 20. Amended by Directive 97/58/EC (OJ L 274, 7.10.1997, p. 8).

<sup>(2)</sup> OJ L 319, 12.12.1994, p. 28. Amended by Directive 98/35/EC (OJ L 172, 17.6.1998, p. 1).

1. Article 4 is amended as follows:

(a) In points (p), (q) and (x), the words 'as in force at the time of the adoption of this Directive' are replaced by the words 'in force'.

(b) In points (r) and (v), the words 'as in force at the time of the adoption of this Directive' are replaced by the words 'in force'.

(c) Point (w) is replaced by the following:

'(w) "ro-ro passenger ship": a passenger ship with ro-ro cargo spaces or special category spaces as defined in the SOLAS convention in force.'

(d) In point (u), the words 'all being applied as in force at the time of the adoption of this Directive' are replaced by the words 'in force'.

(e) The following subparagraph is added:

'The conventions, code, compendia and regulation mentioned in points (p), (q), (r), (u), (v) (w) and (x) shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council.'

2. Article 13 is replaced by the following:

*'Article 13*

The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000.'

*Article 5*

#### **Amendment of Directive 95/21/EC**

Council Directive 95/21/EC is amended as follows <sup>(3)</sup>:

1. Article 2 is amended as follows:

(a) In point (1), the words 'on 1 July 1999' are replaced by the words 'without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council'.

(b) In point (2), the words 'as it stands on 1 July 1999' are replaced by the words 'as it is in force, without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000'.

<sup>(3)</sup> OJ L 157, 7.7.1995, p. 1. Last amended by Directive 1999/97/EC (OJ L 331, 23.12.1999, p. 67).

2. Article 18 is replaced by the following:

*'Article 18*

**Committee on Safe Seas**

The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000.'

3. In Article 19, point (c) is deleted.

*Article 6*

**Amendment of Directive 96/98/EC**

Council Directive 96/98/EC is amended as follows <sup>(1)</sup>:

1. Article 2 is amended as follows:

(a) In points (c), (d) and (n), the words 'on 1 January 1999' are deleted.

(b) The following subparagraph is added:

'The conventions and testing standards referred to in points (c), (d) and (n) shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council.'

2. Article 18 is replaced by the following:

*'Article 18*

The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000.'

*Article 7*

**Amendment of Directive 97/70/EC**

Article 9 of Council Directive 97/70/EC is replaced by the following <sup>(2)</sup>:

*'Article 9*

**Committee on Safe Seas**

The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000 of the European Parliament and of the Council.'

*Article 8*

**Amendment of Directive 98/18/EC**

Council Directive 98/18/EC is amended as follows <sup>(3)</sup>:

<sup>(1)</sup> OJ L 46, 17.2.1997, p. 25. Amended by Directive 98/85/EC (OJ L 315, 11.11.1998, p. 14).

<sup>(2)</sup> OJ L 34, 9.2.1998, p. 1. Amended by Directive 1999/19/EC (OJ L 83, 27.3.1999, p. 48).

<sup>(3)</sup> OJ L 144, 15.5.1998, p. 1.

1. Article 2 is amended as follows:

(a) In point (a), the words 'on the date of adoption of this Directive' are deleted.

(b) In points (b) and (c), the words 'as amended at the date of adoption of this Directive' are replaced by the words 'in force'.

(c) In points (d) and (f), the words 'as amended at the date of adoption of this Directive' are replaced by the words 'in force'.

(d) The following subparagraph is added:

'The conventions and compendia referred to in points (a), (b), (c), (d) and (f) shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council.'

2. In Article 6(1), points (b) and (c), 6(2), point (a)(i) and 6(3) point (a), the words 'as amended at the date of adoption of this Directive' are deleted.

3. In Article 8, point (b) is replaced by the following:

'(b) Annex I may be amended in order to:

(i) apply, for the purpose of this Directive, amendments made to international conventions;

(ii) improve the technical specifications thereof, in the light of experience.'

4. Article 9 is replaced by the following:

*'Article 9*

**Committee on Safe Seas**

The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000.'

*Article 9*

**Amendment of Directive 98/41/EC**

Council Directive 98/41/EC is amended as follows <sup>(4)</sup>:

1. In Article 2, third indent, the words 'as in force at the time of the adoption of this Directive' are replaced by the words 'in force, without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council.'

<sup>(4)</sup> OJ L 188, 2.7.1998, p. 35.

2. Article 13 is replaced by the following:

*'Article 13*

The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000.'

*Article 10*

**Amendment of Directive 1999/35/EC**

Council Directive 1999/35/EC is amended as follows <sup>(1)</sup>:

1. Article 2 is amended as follows:

- (a) In points (b) and (o), the words 'as amended on the date of the adoption of this Directive' are replaced by the words 'in force'.
- (b) In point (d), the words 'on the date of adoption of this Directive' are deleted.
- (c) In point (e), the words 'as amended on the date of the adoption of this Directive' are replaced by the words 'in force'.
- (d) The following subparagraph is added:

'The conventions and compendia referred to in points (b), (d), (e) and (o) shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council.'

2. Article 16 is replaced by the following:

*'Article 16*

**Committee on Safe Seas**

The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000.'

*Article 11*

**Application**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than ... They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. The Member States shall notify to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

*Article 12*

**Entry into force**

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

*Article 13*

**Addressees**

This Directive is addressed to the Member States.

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<sup>(1)</sup> OJ L 138, 1.6.1999, p. 1.