



2018/0298(COD)

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 391/2009 with regard to the withdrawal of the United Kingdom from the Union
(COM(2018)0567 – C8-0384/2018 – 2018/0298(COD))

Committee on Transport and Tourism

Rapporteur: Isabella De Monte

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 391/2009 with regard to the withdrawal of the United Kingdom from the Union (COM(2018)0567 – C8-0384/2018 – 2018/0298(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0567),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0384/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 October 2018¹,
 - having regard to the opinion of the Committee of the Regions of ... ²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A8-0000/2018),
1. Adopts its position at first reading, taking over the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ [OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal].

² [OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal].

EXPLANATORY STATEMENT

1. Current situation

On 29 March 2017, the United Kingdom submitted notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019. The United Kingdom will then become a third country.

Consequently, the EU legislation on maritime transport will no longer apply to the United Kingdom. One of the areas of Union law that would be affected is the recognition at the Union level of organisations providing services for the inspection and survey of ships flying the flag of Member States ('Recognised Organisations').

Article 8(1) of Regulation (EC) No 391/2009 requires ship inspection and survey organisations recognised at EU level by the Commission to be assessed at least every two years by the Commission together with the Member State that submitted the initial request for recognition of the organisation ('sponsor' Member State).

It follows from Articles 7 and 8 of the Regulation that in order to continue enjoying EU recognition, recognised organisations must continue to meet the requirements and minimum criteria set out in Annex I of the Regulation. This is verified through the continuous re-assessment conducted by the Commission and the 'sponsor' Member State under Article 8(1). As of its withdrawal, the United Kingdom will no longer be in a position to participate in the assessments carried out pursuant to Article 8(1) of the Regulation for those organisations for which the United Kingdom acts as the sponsor Member State. Consequently, the continued validity of the recognition for these organisations at EU level could be called into question and could not be clarified with sufficient legal certainty under the existing provisions of the Regulation.

Organisations' potential loss of EU recognition due to the United Kingdom's withdrawal could have adverse consequences for the competitiveness and appeal of the EU-27 Member States' flags that have authorised these Recognised Organisations to act on their behalf for the purposes of carrying out statutory ship inspections, surveys and certification. The recognised organisations affected currently have authorisation agreements with the majority of the EU-27 Member States and after the United Kingdom's withdrawal they would not be able to make use of these Recognised Organisations for their flagged fleet. At the same time, shipowners using these organisations also for classification purposes would face the dilemma of either out-flagging their ships to a non-EU flag or risking breaching their current private contracts for classification of their ships with the relevant organisations.

2. The Commission proposal

The Commission proposal would amend Article 8(1) of the Regulation by replacing the current requirement, under which only the 'sponsor' Member State shall participate in the regular assessment process conducted by the Commission, by introducing the participation of any Member State which has authorised one of the Recognised Organisations. It would allow the assessment to be carried out by the Commission together with any Member State which

has authorised the relevant recognised organisation to act on its behalf for the purposes of Article 3(2) of Directive 2009/15/EC3, and not only the ‘sponsor’ Member State.

3. Your rapporteur proposal

Your rapporteur welcomes the Commission proposal and believes that it would resolve the legal uncertainty created in the area of recognised organisations by the United Kingdom's withdrawal, it would safeguard business continuity for the affected shipowners and the competitiveness of the flags of the EU-27 Member States working with the affected organisations.

The rapporteur therefore proposes adopting the Commission's proposal without amendment.