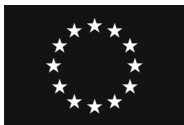


EUROPOS PARLAMENTAS

2004



2009

Transporto ir turizmo komitetas

NEGALUTINIS
2003/0291(COD)

21.9.2005

*****II**

ANTRAJAM SVARSTYMIUI PATEIKTAS REKOMENDACIJOS PROJEKTAS

dėl Tarybos bendrosios pozicijos siekiant priimti Europos Parlamento ir Tarybos reglamentą dėl Tarptautinio saugaus valdymo kodekso (ISM kodeksas) įgyvendinimo Bendrijoje ir panaikinti Tarybos reglamentą (EB) Nr. 3051/95
(6919/1/2005 – C6-0269/2005 – 2003/0291(COD))

Transporto ir turizmo komitetas

Pranešėjas: Paolo Costa

Procedūrų sutartiniai ženklai

- * Konsultavimosi procedūra
balsavusių narių balsų dauguma
- **I Bendradarbiavimo procedūra (pirmasis svarstymas)
balsavusių narių balsų dauguma
- **II Bendradarbiavimo procedūra (antrasis svarstymas)
*balsavusių narių balsų dauguma pritariama bendrajai pozicijai
visų Parlamento narių balsų dauguma atmetama arba taisoma
bendroji pozicija*
- *** Pritarimo procedūra
*visų Parlamento narių balsų dauguma, išskyrus EB sutarties 105,
107, 161 ir 300 straipsniuose bei ES sutarties 7 straipsnyje
numatytus atvejus*
- ***I Bendro sprendimo procedūra (pirmasis svarstymas)
balsavusių narių balsų dauguma
- ***II Bendro sprendimo procedūra (antrasis svarstymas)
*balsavusių narių balsų dauguma pritariama bendrajai pozicijai
visų Parlamento narių balsų dauguma atmetama arba taisoma
bendroji pozicija*
- ***III Bendro sprendimo procedūra (trečiasis svarstymas)
balsavusių narių balsų dauguma pritariama bendram tekstui

(Procedūra pasirenkama atsižvelgiant į Komisijos pasiūlytą teisinį pagrindą.)

Teisės akto pakeitimai

Parlamento pakeitimų tekstas paryškinamas ***pusjuodžiu kursyvu***. Paryškinimas *paprastu kursyvu* parodo atitinkamiems skyriams tas teisės akto projekto vietas, kurias siūloma taisyti rengiant galutinį tekstą (pvz., tekste tam tikra kalba paliktas akivaizdžias klaidas ar praleistas vietas). Pasiūlytiems tokio pobūdžio pataisymams reikalingas atitinkamų skyrių sutikimas.

TURINYS

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EUROPOS PARLAMENTO TEISĖKŪROS REZOLIUCIJOS PROJEKTAS

dėl Tarybos bendrosios pozicijos siekiant priimti Europos Parlamento ir Tarybos reglamentą dėl Tarptautinio saugaus valdymo kodekso (ISM kodeksas) įgyvendinimo Bendrijoje ir panaikinti Tarybos reglamentą (EB) Nr. 3051/95 (6919/1/2005 – C6-0269/2005 – 2003/0291(COD))

(Bendro sprendimo procedūra: antrasis svarstymas)

Europos Parlamentas,

- atsižvelgdamas į Tarybos bendrąją poziciją (6919/1/2005 – C6-0269/2005),
 - atsižvelgdamas į savo poziciją per pirmąjį svarstymą¹ dėl Komisijos pasiūlymo Europos Parlamentui ir Tarybai (KOM(2003)0767),
 - atsižvelgdamas į EB sutarties 251 straipsnio 2 dalį,
 - atsižvelgdamas į Darbo tvarkos taisyklių 67 straipsnį,
 - atsižvelgdamas į Transporto ir turizmo komiteto rekomendacijas antrajam svarstymui (A5-0074/2004),
1. pritaria bendrajai pozicijai;
 2. pažymi, kad aktas priimtas remiantis bendrąja pozicija;
 3. paveda Pirmininkui pasirašyti aktą su Tarybos pirmininku pagal EB sutarties 254 straipsnio 1 dalį;
 4. paveda generaliniam sekretoriui pasirašyti aktą, patikrinus, kad buvo deramai laikomasi visų procedūrų ir, susitarus su Tarybos generaliniu sekretoriumi, pasirūpinti, kad jis būtų paskelbtas Europos Sąjungos oficialiajame leidinyje;
 5. paveda Pirmininkui Parlamento poziciją perduoti Tarybai ir Komisijai.

¹ 2004 03 10 priimti tekstai, T5-0156/2004.

EXPLANATORY STATEMENT

The proposal is intended to incorporate the International Safety Management Code into European Union law.

The aim of the proposed Regulation is to improve the safety management and the safety of operation of ships engaged in domestic and international voyages and the prevention of maritime pollution from them. It also aims to introduce the amendments made to the ISM Code, which supplement the provisions on the validity of certificates of compliance and of interim certificates and the form of the certificates. These amendments entered into force on 1 July 2002 in the framework of the SOLAS Convention (IMO Resolution (MSC.104 (73))). In addition, the draft provides for compulsory monitoring, an annual report to the Commission and the establishment of a system of sanctions by the Member States.

The Parliament has adopted the proposal in first reading without amendments on the 10.03.2004 (fast track art.43 of rules). Although the Council has made a number of technical changes, they alter neither the aims nor the spirit of the proposal.

Comments on the common position

- Definitions

The changes introduced by the common position are intended to broaden the scope of the draft Regulation to cover other vessels, such as high-speed craft, mobile drilling platforms and tourist submarines, and the gross tonnage of ships.

From this point of view the common position makes the definitions of the various legislative acts in force more coherent.

- Scope

The Commission's draft differentiated between each type of ship, with reference to the nationality of the flag or application to all flags, and the kind of voyage (international or domestic) being made.

The common position puts ships flying the flag of a Member State and those flying the flag of a third country on an equal footing when they are operated on a regular service or as cargo ships or passenger ships.

- Safety management requirements

The common position establishes a link between the scope and the provisions of the Code applicable to it.

- Certification and verification

The draft Regulation provided for two different articles (Articles 5 and 6). The common position deals with them in a single article, deleting all the provisions which were already in Part B of Annex II, and giving a reference to that Annex.

- Safeguard procedure

The draft included the procedure in Regulation (EC) No 3051/95. The common position deletes this article, which has never been used in practice.

- Derogations

This provision did not exist in the draft Regulation. The aim is to reduce administrative costs for small shipping companies and certain ships operating exclusively on domestic voyages by enabling them to be fully or partially exempted from certain provisions of the ISM Code (section 6, 7, 9, 11 and 12 of Part A), while safeguarding the principles of the Code.

The common position provides that Member States must notify the Commission in advance of the equivalent national measures (Article 5a) and the applicable procedure for approval by the Commission.

- Validity, acceptance and recognition of certificates

These provisions did not exist as such in the draft Regulation, but appeared in the provisions which were recast during the negotiations with the Council (Articles 5 et 6).

The common position places the verification of validity, acceptance and recognition of the certificates of ships flying the flag of a Member State on the same footing as for ships flying the flag of a third country.

- Committee procedure

The common position no longer applies the committee procedure to the question of the period of validity of certificates.

- Entry into force

The common position delays the entry into force of the Regulation by one year for ships which are not yet covered by the ISM Code (i.e. ships other than roll-on/roll-off passenger ships operating on domestic voyages). The provisions will therefore apply to them two years after its entry into force.

Conclusions

The rapporteur acknowledges that the Council's common position brings more clarity to the proposal and that the modifications alter neither the aims nor the spirit of the proposal adopted in first reading. It is therefore recommended to adopt it without modification in second reading.