



Committee on Legal Affairs

2016/0170(COD)

18.1.2017

OPINION

of the Committee on Legal Affairs

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council
amending Directive 2009/45/EC on safety rules and standards for passenger
ships
(COM(2016)0369 – C8-0208/2016 – 2016/0170(COD))

Rapporteur: Joëlle Bergeron

PA_Legam

SHORT JUSTIFICATION

Introduction

The Commission proposal seeks to amend Directive 2009/45/EC on safety rules and standards for passenger ships. It is not particularly old, but it does require updating in a number of areas. The aim of the directive is to maintain high safety standards for passenger ships in the EU. Because the safety levels required are harmonised, it makes sense that the directive should provide for the mutual recognition of ship safety certificates. The various changes proposed by the Commission are set out under the headings below.

Simplification of rules

The Commission proposal has been brought forward as part of the REFIT programme, which seeks to simplify EU legislation where possible. This includes, to a certain extent, the deregulation of certain activities. Although it makes sense for passenger ships to be subject to strict safety rules, it transpires that it is not necessary to require small vessels (i.e. those under 24 metres in length) to comply with harmonised safety rules as they are either too restrictive or do not apply. The proposal therefore does away with EU rules for small vessels, except high-speed vessels, leaving regulation up to the Member States. Pleasure craft are also excluded from the scope of the directive.

The rapporteur notes that, as part of the simplification process, many of the definitions included in the directive have been brought into line with the current circumstances. The directive initially applied to vessels made of steel and equivalent materials, including lightweight materials, but it was not applied in the same way in all the Member States. The proposal therefore clarifies the scope of the directive as regards the definition of aluminium as an equivalent, resistant material other than steel, in order to establish common safety standards for those vessels.

The directive currently divides sea areas up into a number of sectors depending on how dangerous the sea is, and, in particular, stipulates that lighter vessels may enter areas close to 'places of refuge' along the coast. Because those places of refuge were difficult to pinpoint, which made for complex calculations when it came to delineating the areas that those lighter vessels were allowed to enter, the notion of 'place of refuge' has now been removed in favour of a simpler reference to the distance from the coast.

Still with the aim of simplification in mind, the proposal for a directive seeks to bring the monitoring rules for new vessels into line with those that apply to existing vessels. Lastly, a number of transitional provisions that are no longer applicable have been removed from the directive in order to make it easier to read.

Database

In order to make national ship safety rules (which can still often differ from one another) easier for supervisory authorities and ship operators to access, the proposal suggests that the Commission should set up a database of the various national rules. The database would be run by the Commission, and the people concerned would have access to it. This is a very good idea in that it improves access to legislation whilst at the same time allowing the Member

States to maintain their respective national rules.

Comitology

Other changes are proposed with a view to bringing the directive into line with the new comitology framework brought in by the Lisbon Treaty. References to implementing acts have therefore been updated, and the regulatory procedure with scrutiny has been removed and replaced with delegated acts.

It will in future be possible for delegated acts to be adopted in order to amend certain technical requirements, regulate the abovementioned database, and allow the Commission to limit the application in Europe of certain international shipping safety agreements in the event of any amendments being made to them in future. The rapporteur has looked at these aspects of the proposal particularly closely, and has no reservations about this new delegated power.

Conclusion

The rapporteur would point out that the proposal for a directive, which is very technical, has been examined in detail. The rapporteur has no objections to raise. The changes that have been made to bring the text into line with the current legal framework are correct, and the administrative simplifications have a positive effect.

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendment:

Amendment 1

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) To increase **the** transparency and to facilitate the notification of exemptions, equivalencies and additional safety measures by Member States, a database should be established and maintained for this purpose by the Commission. It should include the notified measures in their draft and **adopted** form.

Amendment

(7) To increase transparency and to facilitate the notification of exemptions, equivalencies and additional safety measures by Member States, a database should be established and maintained for this purpose by the Commission. It should include the notified measures in their draft **form and in the form in which they are adopted. The data concerned should be accessible to the public.**

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Safety rules and standards for passenger ships
References	COM(2016)0369 – C8-0208/2016 – 2016/0170(COD)
Committee responsible Date announced in plenary	TRAN 9.6.2016
Opinion by Date announced in plenary	JURI 9.6.2016
Rapporteur Date appointed	Joëlle Bergeron 11.7.2016
Discussed in committee	29.11.2016
Date adopted	12.1.2017
Result of final vote	+: 17 –: 0 0: 2
Members present for the final vote	Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Therese Comodini Cachia, Mady Delvaux, Lidia Joanna Geringer de Oedenberg, Mary Honeyball, Gilles Lebreton, Julia Reda, Evelyn Regner, József Szájer, Tadeusz Zwiefka
Substitutes present for the final vote	Daniel Buda, Sergio Gaetano Cofferati, Angel Dzhambazki, Heidi Hautala, Constance Le Grip, Victor Negrescu
Substitutes under Rule 200(2) present for the final vote	Eleonora Evi, Andrey Novakov