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*****II**

RECOMMENDATION FOR SECOND READING

1. on the Council common position for adopting a European Parliament and Council regulation establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the regulations on maritime safety and the prevention of pollution from ships
(7100/1/2002 – C5-0229/2002 – 2000/0236(COD))

2. on the Council common position for adopting a European Parliament and Council directive amending the directives on maritime safety and the prevention of pollution from ships (7473/1/2002 – C5-0228/2002 – 2000/0237(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Emmanouil Bakopoulos

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
PROCEDURAL PAGE	5
1. DRAFT LEGISLATIVE RESOLUTION.....	5
2. DRAFT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT	5

PROCEDURAL PAGE

At the sitting of 13 February 2001 Parliament adopted its position at first reading on the proposals for 1. a European Parliament and Council regulation establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the regulations on maritime safety and the prevention of pollution from ships (COM(2000) 489 - 2000/0236 (COD)) and 2. a European Parliament and Council directive amending the directives on maritime safety and the prevention of pollution from ships (COM(2000) 489 – 2000/0237(COD)).

At the sitting of 30 May 2002 the President of Parliament announced that the common positions had been received and referred to the Committee on Regional Policy, Transport and Tourism (7100/1/2002 - C5-0229/2002 and 7473/1/2002 – C5-0228/2002).

The committee had appointed Emmanouil Bakopoulos rapporteur at its meeting of 11 October 2000.

It considered the common positions and draft recommendation for second reading at its meetings of 17 June, 10 July and 10 September 2002.

At the last meeting it adopted the draft legislative resolutions unanimously.

The following were present for the vote: Luciano Caveri, chairman; Rijk van Dam and Helmuth Markov vice-chairmen; Emmanouil Bakopoulos, rapporteur; Carlos Bautista Ojeda (for Camilo Nogueira Román), Rolf Berend, Philip Charles Bradbourn, Felipe Camisón Asensio, Luigi Cocilovo, Jan Dhaene, Den Dover (for Dana Rosemary Scallon), Garrelt Duin, Alain Esclopé, Jacqueline Foster, Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Giorgio Lisi, Erik Meijer, Francesco Musotto, Wilhelm Ernst Piecyk, Samuli Pohjamo, Reinhard Rack, Brian Simpson, Ulrich Stockmann, Margie Sudre, Roseline Vachetta (for Alonso José Puerta), Joaquim Vairinhos, Herman Vermeer and Mark Francis Watts.

The recommendation for second reading was tabled on 10 September 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

1. European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council regulation establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the regulations on maritime safety and the prevention of pollution from ships (7100/1/2002 – C5-0229/2002 – 2000/0236(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (7100/1/2002 – C5-0229/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 489²),
 - having regard to the amended proposal (COM(2001) 788³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 78 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0280/2002),
1. Approves the common position;
 2. Notes that the act is adopted in accordance with the common position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 4. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
 5. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 276E, 1.10.2001, p. 22.

² OJ C 365E, 19.12.2000, p. 276.

³ OJ C 103E, 30.4.2002, p. 233.

DRAFT LEGISLATIVE RESOLUTION

2. European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive amending the directives on maritime safety and the prevention of pollution from ships (7473/1/2002 – C5-0228/2002 – 2000/0237(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (7473/1/2002 – C5-0228/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 489²),
 - having regard to the amended proposal (COM(2001) 788³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 78 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0280/2002),
1. Approves the common position;
 2. Notes that the act is adopted in accordance with the common position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 4. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
 5. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 276E, 1.10.2001, p. 22.

² OJ C 365E, 19.12.2000, p. 280.

³ OJ C 103E, 30.4.2002, p. 243.

EXPLANATORY STATEMENT

1. Introduction

In submitting its proposals to replace the existing committees dealing with maritime safety issues with one single regulatory committee – the Committee on Safe Seas – and to amend the regulations and directives on maritime safety and the prevention of pollution from ships, the Commission aimed to:

- introduce a simplified procedure for incorporating amendments to relevant international agreements into Community law, to facilitate the updating of relevant legislation in the light of changes in international law.
- increase effectiveness in the implementation of the European Union's maritime safety policy.

Taking the opportunity presented by the setting up of the Committee on Safe Seas, the Commission has chosen a procedure which ensures that the committee has a right to assess whether an international amendment to regulations improves or lowers maritime safety standards.

In practice, proposals will be submitted to the Committee on Safe Seas being set up to exclude solely those amendments to international agreements which lower the safety standards required in the European Union. If an amendment to an international agreement is not submitted to the Committee on Safe Seas, this means it is accepted and automatically applied to the relevant Community act.

In brief, the essence of the proposal for a regulation is as follows: the Member States will apply the most recent provisions of international conventions, with the exception of those explicitly referring to and incorporated in a Community act. In this case, the Commission will look into whether or not it should refer them for exclusion to the Committee on Safe Seas; if it does not they will apply automatically. That is to say, a referral to the Committee on Safe Seas also implies an amendment to the corresponding Community act to exclude incorporation within it of the amendment to the international convention. This is the essence of Article 4 of the proposal for a regulation.

This is a procedure involving basic policy choices, falling safely within the framework and bounds of Decision 1999/468/EC.

Naturally, Parliament has the rights specified in Articles 5(5), 7(3) and 8 of Decision 1999/468/EC, and the power granted above is exercised within the strict framework of the third indent of Article 202 of the Treaty.

2. Parliament's amendments

At the conclusion of the first reading in February 2001, Parliament adopted a limited number of amendments with these aims:

- to stress that the committee being set up has the task not only of ensuring maritime safety but also the prevention of pollution by ships. With this in mind, Parliament changed committee's name, adding the words 'prevention of pollution' (amendment 2).
- to stress that the field of legislation covered by the proposal also includes shipboard living and working conditions (amendment 1).
- to highlight Parliament's role in the regulatory procedure by specifically mentioning the relevant provisions of Decision 1999/468/EC in the text of the proposals (amendment 3).
- to make it clear that the establishment of a maritime safety committee is the direct consequence of disbanding the existing committees (amendment 4).
- to make it clear that the amendment of legislation through the conformity checking procedure as set out in Article 4 of the proposal for a regulation can only be initiated if the Commission or a Member State certify that it endangers maritime safety or is incompatible with the relevant Community legislation (amendment 7).

3. Council's common position

The above amendments were treated sympathetically both by the Commission in its amended proposal and by the Council in its common position. The Council took over the amendments by making changes to the wording of the corresponding articles in its common position.

Apart from the above amendments to the Commission proposal, based on Parliament's amendments, the Council also made further changes designed to avoid conflict between the committee's responsibilities and those of the Maritime Safety Organisation currently being set up. Particularly deserving of support is the amendment to Article 4 of the proposed regulation, introducing an obligation for the Commission and the Member States to cooperate in order to detect any divergence between Community law and international amendments as quickly as possible and to facilitate and simplify the conformity checking procedure (Article 5 of the common position).

4. Comments

In view of the above, we can draw the following conclusions:

- In drawing up its common position the Council took full or partial account of almost all Parliament's amendments.
- Some of the new elements introduced in the Council's proposal help to make the proposal's text clearer.
- the Council has retained the proposal's spirit and aims, which are to simplify the procedure for incorporating amendments to international law into Community law, to prevent the inclusion of amendments which are not consistent with the Community *acquis* and to increase the effectiveness of maritime safety and pollution prevention policies.

In this spirit, the common position should be welcomed since it meets Parliament's main concern of improving sea transport safety. It should therefore be adopted as quickly as possible, without amendment.