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*****I REPORT**

on the proposal for a European Parliament and Council regulation on the prohibition of organotin compounds on ships
(COM(2002) 396 – C5-0347/2002 – 2002/0149(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Luciano Caveri

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.

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PROCEDURAL PAGE

By letter of 12 July 2002 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 80(2) of the EC Treaty, the proposal for a European Parliament and Council regulation on the prohibition of organotin compounds on ships (COM(2002) 396 – 2002/0149(COD)).

At the sitting of 2 September 2002 the President of Parliament announced that he had referred the proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on the Environment, Public Health and Consumer Policy for its opinion (C5-0347/2002).

The Committee on Regional Policy, Transport and Tourism appointed Luciano Caveri rapporteur at its meeting of 10 September 2002.

The committee considered the Commission proposal and draft report at its meetings of 8 October and 5 November 2002.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Luciano Caveri, chairman and rapporteur; Rijk van Dam, Gilles Savary and Helmuth Markov, vice-chairmen; Sylviane H. Ainardi, Emmanouil Bakopoulos, Philip Charles Bradbourn, Felipe Camisón Asensio, Luigi Cocilovo, Gerard Collins, Nirj Deva (for Dana Rosemary Scallon), Jan Dhaene, Den Dover (for Reinhard Rack), Garrelt Duin, Giovanni Claudio Fava, Jacqueline Foster, Mathieu J.H. Grosch, Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Georg Jarzembowski, Giorgio Lisi, Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Francesco Musotto, James Nicholson, Camilo Nogueira Román, Karla M.H. Peijs, Wilhelm Ernst Piecyk, Samuli Pohjamo, Bernard Poignant, Alonso José Puerta, Carlos Ripoll y Martínez de Bedoya, Ingo Schmitt, Elisabeth Schroedter (for Nelly Maes), Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Margie Sudre, Joaquim Vairinhos, Geoffrey Van Orden (for Rolf Berend), Ari Vatanen, Herman Vermeer, Mark Francis Watts and Brigitte Wenzel-Perillo (for Sérgio Marques).

The Committee on the Environment, Public Health and Consumer Policy decided on 4 November 2002 not to deliver an opinion.

The report was tabled on 6 November 2002.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a European Parliament and Council regulation on the prohibition of organotin compounds on ships (COM(2002) 396 – C5-0347/2002 – 2002/0149(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2002) 396¹),
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0347/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0376/2002),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Recital 2

(2) An International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS-Convention) was adopted on 5 October 2001 at a Diplomatic Conference held under the aegis of the International Maritime Organization (IMO) with the attendance of *the* Member States.

(2) An International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS-Convention) was adopted on 5 October 2001 at a Diplomatic Conference held under the aegis of the International Maritime Organization (IMO) with the attendance of Member States *of the European Community*.

¹ OJ C not yet published.

Amendment 2
Recital 10

(10) As an immediate follow-up to the AFS-Conference the Commission ~~/has adopted/~~ Commission Directive.../2002/EC adapting to technical progress for the ninth time Annex I to Council Directive 76/769/EEC in order to ban, with effect from 1 January 2003, the marketing of organostannic compounds in anti-fouling paints for all ships, irrespective of their length.

(10) As an immediate follow-up to the AFS-Conference the Commission has adopted Commission Directive **2002/62/EC** adapting to technical progress for the ninth time Annex I to Council Directive 76/769/EEC in order to ban, with effect from 1 January 2003, the marketing **and use** of organostannic compounds in anti-fouling paints for all ships, irrespective of their length.

Amendment 3
Recital 10 a (new)

(10 a) This regulation should not affect the restrictions on the marketing and use of certain dangerous substances and preparations (organostannic compounds) laid down in Council Directive 76/769/EEC as last amended by Commission Directive 2002/62/EC.

Amendment 4
Recital 13

(13) Uncertainty on the total ban of active TBT coatings **cannot** be accepted at Community level; the world-wide shipping industry, which has to program the maintenance of its ships, should be made aware clearly and on time that as from 1 January 2008 ships bearing an active TBT coating on their hulls will no longer be allowed in Community ports.

(13) Uncertainty on the total ban of active TBT coatings **should not** be accepted at Community level; the world-wide shipping industry, which has to program the maintenance of its ships, should be made aware clearly and on time that as from 1 January 2008 ships bearing an active TBT coating on their hulls will no longer be allowed in Community ports.

Amendment 5
Recital 14

(14) Third countries, particularly if they cannot benefit from the added value of a supranational regulation, might have legal technical difficulties in imposing **on 1 January 2003**, through their national legislation, the prohibition to apply TBT on their ships. The application of the prohibition in this Regulation to apply TBT paints should therefore be suspended as regards ships sailing under a non-Community flag an interim period beginning **on 1 January 2003** and ending at the date of entry into force of the AFS-Convention.

(14) Third countries, particularly if they cannot benefit from the added value of a supranational regulation, might have legal technical difficulties in imposing, through their national legislation, the prohibition to apply TBT on their ships **from the day on which the prohibition enters into effect according to this Regulation**. The application of the prohibition in this Regulation to apply TBT paints should therefore be suspended as regards ships sailing under a non-Community flag **during** an interim period beginning **three months after the entry into force of this Regulation and no later than 1 July 2003** and ending at the date of entry into force of the AFS-Convention.

Amendment 6
Recital 15

(15) Flag States which have banned the use of TBT paints on their ships, have an economic interest in ensuring that the AFS-Convention enters into force as early as possible, in order to ensure a world-wide level playing field. This Regulation, which prohibits all ships flying the flag of a Member State from applying TBT coatings on their ships as **from 1 January 2003**, should constitute an incentive for flag States to ratify the AFS-Convention.

(15) Flag States which have banned the use of TBT paints on their ships, have an economic interest in ensuring that the AFS-Convention enters into force as early as possible, in order to ensure a world-wide level playing field. This Regulation, which prohibits all ships flying the flag of a Member State from applying TBT coatings on their ships as **early as possible**, should constitute an incentive for flag States to ratify the AFS-Convention.

Amendment 7
Recital 18

(18) Imposing the prohibition of active TBT coatings on all ships **registered in** a Member State **after 1 January 2003 and flying the flag of a Member State**, and whose anti-fouling system has been applied, changed or replaced after **1 January 2003**, should be an incentive for the shipping industry to

(18) Imposing the prohibition of active TBT coatings on all ships **entitled to fly the flag of a Member State three months after the entry into force of this Regulation and no later than 1 July 2003**, and whose anti-fouling system has been applied, changed or replaced after **this date**, should be an

implement the recommendation of AFS-Conference Resolution N° 1.

incentive for the shipping industry to implement the recommendation of AFS-Conference Resolution N° 1.

Amendment 8
Recital 19

(19) It is appropriate to establish the same survey and certification regime as the one provided for by the AFS-Convention. Under this **regime** all ships of 400 gross tonnage, irrespective of the nature of their voyage should be surveyed, whilst ships of 24 metres or more in length but less than 400 gross tonnage should only have to carry a declaration of compliance with the Regulation or with the AFS-Convention. The Community should have the right to introduce a harmonised survey regime for these ships, if this proved necessary at a later stage.

(19) It is appropriate to establish the same survey and certification regime as the one provided for by the AFS-Convention. Under this **Regulation** all ships of 400 gross tonnage, irrespective of the nature of their voyage should be surveyed, whilst ships of 24 metres or more in length but less than 400 gross tonnage should only have to carry a declaration of compliance with the Regulation or with the AFS-Convention. The Community should have the right to introduce a harmonised survey regime for these ships, if this proved necessary at a later stage.

Amendment 9
Recital 20, footnote 18

18 OJ L 262, 27.9.1976, p. 201, as last amended by Commission Directive 2002/XXX/EC (OJ LXXX).

3 OJ L 262, 27.9.1976, p. 201, as last amended by Commission Directive 2002/62/EC (OJ L **183**, **12.7.2002**, **p.58**).

Amendment 10
Recital 24

(24) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down procedures for the exercise of implementing powers conferred on the Commission, the Commission should be **authorise** to adapt the annexes to this Regulation by use of the regulatory procedure provided for in Article 5 of that Decision.

(24) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down procedures for the exercise of implementing powers conferred on the Commission, the Commission should be **authorised** to adapt **the references to the AFS-Convention and related documents as well as** the annexes to this Regulation by use of the regulatory procedure provided for in Article 5 of that Decision.

Amendment 11
Recital 25

(25) In order to assess the achievement of the objective of the Regulation the Commission ***shall*** report to the European Parliament and the Council and propose, if necessary, the appropriate adjustments to the Regulation.

(25) In order to assess the achievement of the objective of the Regulation the Commission ***should*** report to the European Parliament and the Council and propose, if necessary, the appropriate adjustments to the Regulation.

Amendment 12
Recital 26

(26) The entry into force of this Regulation should be such as to allow the effective banning of organotin compounds on ships as ***from 1 January 2003,***

(26) The entry into force of this Regulation should be such as to allow the effective banning of organotin compounds on ships as ***early as possible,***

Amendment 13
Article 2, paragraph 1, point (5)

(5) "AFS-Convention" means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, adopted on 5 October 2001;

(5) "AFS-Convention" means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, adopted on 5 October 2001, ***irrespective of its entry into force;***

Amendment 14
Article 2, paragraph 1, point (7)

(7) "AFS-Certificate" means the certificate issued to ships in conformity with the provisions of Annex 4 to the AFS-Convention;

(7) "AFS-Certificate" means the certificate issued to ships in conformity with the provisions of Annex 4 to the AFS-Convention ***or, during the interim period, a certificate issued in accordance with the format laid down in Annex II, when it is issued by the Administration of any Member State or by a recognised***

organisation acting on its behalf;

Amendment 15
Article 2, paragraph 1, point (8)

(8) "AFS-Declaration" means a declaration drawn up under the provisions of Annex 4 to the AFS-Convention;

(8) "AFS-Declaration" means a declaration drawn up under the provisions of Annex 4 to the AFS-Convention *or, during the interim period, a declaration signed by the owner or owner's authorised agent drawn up in accordance with the format laid down in Annex III;*

Amendment 16
Article 2, paragraph 1, point (10)

(10) "Interim period" means the period beginning *on 1 January 2003* and ending at the date of entry into force of the AFS-Convention.

(10) "Interim period" means the period beginning *three months after the entry into force of this Regulation and no later than 1 July 2003* and ending at the date of entry into force of the AFS-Convention.

Amendment 17
Article 4, subparagraph 1

As from *1 January 2003*, organotin compounds which act as biocides in anti-fouling systems shall not be applied or re-applied on ships.

As from *three months after the entry into force of this Regulation and no later than 1 July 2003*, organotin compounds which act as biocides in anti-fouling systems shall not be applied or re-applied on ships.

Amendment 18
Article 5, paragraph 1

1. Ships, *registered in a Member State after 1 January 2003 and flying* the flag of a Member State, and whose anti-fouling system has been applied, changed or replaced after *1 January 2003*, shall not bear organotin compounds which act as biocides in anti-fouling systems on their hulls or external parts and surfaces, unless they bear a coating that forms a barrier to such compounds to prevent them leaching from

1. Ships *entitled to fly* the flag of a Member State *three months after the entry into force of this Regulation and no later than 1 July 2003*, and whose anti-fouling system has been applied, changed or replaced after *this date*, shall not bear organotin compounds which act as biocides in anti-fouling systems on their hulls or external parts and surfaces, unless they bear a coating that forms a barrier to such compounds to prevent them

the underlying non compliant anti-fouling system.

leaching from the underlying non compliant anti-fouling system.

Amendment 19
Article 5, paragraph 2

2. As from 1 January 2008 ships, ***regardless of their flag***, shall either not bear organotin compounds which act as biocides in anti-fouling systems on their hulls or external parts and surfaces, or bear a coating that forms a barrier to such compounds leaching from the underlying non compliant anti-fouling system.

2. As from 1 January 2008 ships, ***referred to in Article 3.1*** shall either not bear organotin compounds which act as biocides in anti-fouling systems on their hulls or external parts and surfaces, or bear a coating that forms a barrier to such compounds leaching from the underlying non compliant anti-fouling system.

Amendment 20
Article 5, paragraph 3

3. The provisions of paragraphs 1 and 2 shall not apply to fixed and floating platforms, FSUs and FPSOs that have been constructed prior to ***1 January 2003*** and that have not been in dry-dock on or after ***1 January 2003***.

3. The provisions of paragraphs 1 and 2 shall not apply to fixed and floating platforms, FSUs and FPSOs that have been constructed prior to ***three months after the entry into force of this Regulation and no later than 1 July 2003***, and that have not been in dry-dock on or after ***this date*** .

Amendment 21
Article 6, paragraph 1, point (a)

(a) Ships of 400 gross tonnage and above, excluding fixed or floating platforms, FSUs and FPSOs, shall be surveyed and certified in accordance with the requirements laid down in Annex I.

(a) Ships of 400 gross tonnage and above, excluding fixed or floating platforms, FSUs and FPSOs, shall be surveyed and certified, ***as from three months after the entry into force of this Regulation and no later than 1 July 2003***, in accordance with the requirements laid down in Annex I⁽¹⁾ ***before the ship is put into service for the first time, or when the anti-fouling systems are changed or replaced.***

(1) It is understood that this reference to Annex I means that the certificate issued by Member States during the interim period

will be in accordance with the format laid down in Annex II.

Amendment 22

Article 6, paragraph 1, point (b), subparagraph 1

(b) Ships of 24 meters or more in length, but less than 400 gross tonnage, excluding fixed or floating platforms, FSUs and FPSOs, shall carry *a* an AFS-Declaration *or a declaration signed by the owner or owner's authorized agent drawn up in accordance with the format laid down in Annex III* as demonstration of compliance with *Article 4. and certification regime for these ships.*

(b) Ships of 24 meters or more in length, but less than 400 gross tonnage, excluding fixed or floating platforms, FSUs and FPSOs, shall carry an AFS-Declaration as demonstration of compliance with *Articles 4 and 5.*

Amendment 23

Article 6, paragraph 2, point (a)

(a) As from *1 January 2003* Member States shall recognize any *valid* AFS-Certificate issued to a ship flying the flag of a Party to the AFS-Convention *or a certificate issued in accordance with the format laid down in Annex II, when it is issued by the administration of any other Member State or by a recognized organization acting on its behalf.*

(a) As from *three months after the entry into force of this Regulation and no later than 1 July 2003*, Member States shall recognise any AFS Certificate issued to a ship flying the flag of a Party to the AFS-Convention.

Amendment 24

Article 6, paragraph 2, point (b)

(b) Until *1 January 2004* Member States shall recognize any AFS-Statement of Compliance *issued on behalf of another Member State.*

(b) Until *a year after the date referred to in Article 6, paragraph 2, point (a).* Member States shall recognise any AFS-Statement of Compliance.

Amendment 25

Article 6, paragraph 2, point (c), subparagraph 1

(c) As from *1 January 2003* Member States shall recognize any *valid* AFS-Declaration issued to a ship flying the flag of a Party to

(c) As from *three months following the entry into force of this Regulation and no later than 1 July 2003* Member States shall

the AFS-Convention ***or a declaration signed by the owner or owner's authorized agent drawn up in accordance with the format laid down in Annex III.***

recognise any AFS-Declaration issued to a ship flying the flag of a Party to the AFS-Convention.

Amendment 26
Article 7, subparagraph 1

During the Interim period Member States shall apply control provisions equivalent to those laid down in Directive 95/21/EC to ships of 400 gross tonnage and above flying the flag of a Member State. With regard to the inspections and detection of violations Member States shall be guided by the provisions laid down in Article 11 of the AFS-Convention ***and the relevant Guidelines of the International Maritime Organization (IMO).***

During the Interim period Member States shall apply control provisions equivalent to those laid down in Directive 95/21/EC to ships of 400 gross tonnage and above flying the flag of a Member State. With regard to the inspections and detection of violations Member States shall be guided by the provisions laid down in Article 11 of the AFS-Convention

Amendment 27
Article 8

In order to take account of developments at international level and, in particular in the International Maritime Organization (IMO), or to improve the effectiveness of this Regulation in the light of experience, the Annexes to this Regulation may be amended in accordance with the procedure laid down in Article 9 (2).

In order to take account of developments at international level and, in particular in the International Maritime Organisation (IMO), or to improve the effectiveness of this Regulation in the light of experience, ***the references to the AFS-Convention, the AFS-Certificate, the AFS-Declaration and the AFS-Statement of Compliance and/or the Annexes to this Regulation, including relevant Guidelines of the IMO in relation to Article 11 of the AFS-Convention*** may be amended in accordance with the procedure laid down in Article 9 (2).

Amendment 28
Article 9, paragraph 1

1. The Commission shall be assisted by the Committee ***established by Article 12 (1) of Directive 93/75/EC***, hereinafter referred to as "the Committee".

1. The Commission shall be assisted by the Committee ***on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) xxx/2002,***

hereinafter referred to as "the Committee".

Amendment 29
Article 10

One year after the entry into force of this Regulation, the Commission shall report to the European Parliament and the Council on the state of ratification of the AFS-Convention and provide information on the extent to which organotin compounds, which act as biocides in anti-fouling systems on ships are still used on ships not flying the flag of a Member State operating to or from European ports. In the light of this report the Commission ***shall*** propose, if necessary, amendments to ensure an accelerated reduction of the contribution by ships not flying the flag of a Member State to the presence of harmful anti-fouling compounds in ***EU*** waters.

One year after the entry into force of this Regulation, the Commission shall report to the European Parliament and the Council on the state of ratification of the AFS-Convention and provide information on the extent to which organotin compounds, which act as biocides in anti-fouling systems on ships are still used on ships not flying the flag of a Member State operating to or from European ports. In the light of this report the Commission ***may*** propose, if necessary, amendments to ensure an accelerated reduction of the contribution by ships not flying the flag of a Member State to the presence of harmful anti-fouling compounds in ***the waters under the jurisdiction of Member States***.

Amendment 30
Annexe I, paragraph 1, point 1

1.1 Ships of 400 gross tonnage and above, excluding fixed or floating platforms, FSUs, and FPSOs, shall as from ***1 January 2003***, be subject to surveys specified below:

1.1 Ships of 400 gross tonnage and above, excluding fixed or floating platforms, FSUs, and FPSOs, shall as from ***three months following the entry into force of this Regulation and no later than 1 July 2003***, be subject to surveys specified below:

Amendment 31
Annexe I, paragraph 1, point 4

1.4 Unless provided otherwise in this Regulation Member States shall for the surveys referred to in paragraph 1.1 follow the requirements laid down in Annex 4 to the AFS-Convention, as well as the guidelines for surveys *developed by the IMO*.

1.4 Unless provided otherwise in this Regulation Member States shall for the surveys referred to in paragraph 1.1 follow the requirements laid down in Annex 4 to the AFS-Convention, as well as the guidelines for surveys ***and certification of anti-fouling systems on ships, annexed to Resolution MEPC [101](48), adopted on 11 October 2002 by the Marine Environment Protection Committee of the IMO.***

Amendment 32
Annexe I, paragraph 2, point 2

2.2 A Member State may rely upon an AFS-Statement of Compliance, for the demonstration of compliance with the requirements of Articles 4 and 5. A certificate referred to in paragraph 2.1, shall replace this AFS-Statement at the latest ***by 1 January 2004.***

2.2 A Member State may rely upon an AFS-Statement of Compliance, for the demonstration of compliance with the requirements of Articles 4 and 5. A certificate referred to in paragraph 2.1, shall replace this AFS-Statement at the latest ***a year after the date referred to in Annex I, paragraph 1, point 1.***

Amendment 33
Annex II, subparagraph 2

In case these forms are used only within one Member State references to the AFS-Convention may be deleted.

In case these forms are used only ***for ships that are not submitted to the surveys and certification requirements of Regulation 1 of Annex 4 of the AFS-Convention,*** within one Member State references to the AFS-Convention may be deleted.

Amendment 34
Annex III, Declaration

I declare that the anti-fouling system used on this ship complies with ***Article*** 4 of Regulationof the European Parliament

I declare that the anti-fouling system used on this ship complies with ***Articles 4 and 5*** of Regulationof the European Parliament

and the Council on the banning of organotin compounds on ships.

and the Council on the banning of organotin compounds on ships.

EXPLANATORY STATEMENT

1. Background

In its White Paper on transport policy¹ the Commission stresses the fact that a modern transport system must be both economically and environmentally sustainable. The Commission proposal before us pursues this dual objective. Since the nineteen sixties, the effective anti-fouling paints used on ships around the world have used organotin compounds such as tributyltin (TBT) as biocides to keep the hulls free of fouling organisms, such as barnacles, algae and molluscs, which, if they remain attached to the hull, considerably reduce the ship's speed and at the same time raise its fuel consumption. However, over the past forty years, the scientific community has realised that anti-fouling systems, particularly those using TBT, are extremely harmful to the environment. This finding prompted the IMO² to adopt a resolution in 1999, calling for a global prohibition of the application of organotin compounds which act as biocides in anti-fouling systems on ships by 1 January 2003. To this end, after holding a diplomatic conference³ on 5 October 2001, the IMO drew up a framework⁴ Convention⁵ seeking to ban the use of systems based on organotin compounds. The convention stipulates that from 1 January 2003 onwards no organotin compounds which act as biocides in anti-fouling systems may be applied or re-applied to ships and that from 1 January 2008 onwards, the presence of such compounds on ships shall be banned. The convention will enter into force 12 months after 25 States representing 25% of the world's merchant shipping tonnage have ratified it.

2. Commission proposal

In its explanatory memorandum, the Commission states that the Council has urged it to take any additional steps deemed necessary in order to ensure a general ban of TBT used on ships all over the Community and its surrounding seas **on the dates recommended in the IMO Resolution⁶**. The Commission thus drafted this proposal with a view to ensuring uniformity on the Community market⁷, encouraging the Member States to ratify the convention without delay and helping Member States to overcome any difficulties arising from their national legislation that they might encounter during the ratification process. It must be stressed that this proposal seeks neither to duplicate the AFS Convention nor to bring it into line with Community law. The Commission has submitted this proposal for a regulation in the hope that it will encourage the Member States to honour their ratification undertakings at the earliest opportunity, ensure that the Community shipping market is not distorted through the

¹ COM(2001) 370.

² International Maritime Organisation.

³ See the Council meeting of 21 October 2001, where the Belgian Presidency welcomed the outcome secured by the Community.

⁴ The convention currently covers only systems based on organotin compounds, but provides for other harmful systems being added to the list as appropriate.

⁵ The AFS Convention.

⁶ Resolution 895(21).

⁷ Resolution No 1 adopted by the AFS Conference provides for the possibility of Member States introducing national measures with a different scope and application date, which could distort competition between them.

adoption of disparate national laws and provide appropriate protection for the Community's maritime environment as soon as is possible.

3. Rapporteur's recommendations

Given the above, the wishes expressed by the Council, the EU Member States and several other countries, and the recommendations of the International Chamber of Shipping (ICS)¹, the rapporteur recommends that the committee adopt the Commission proposal as amended.

¹ Following the conference, the ICS issued a statement in which it said that the question of whether the convention would enter into force on 1 January 2003 was somewhat theoretical in that the dates of 1 January 2003 and 1 January 2008 that had been set were to be considered definitive for all ships involved in international trade.