

EUROPEAN PARLIAMENT

2004



2009

Session document

A6-0331/2008

8.9.2008

*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a directive of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (recast)
(5724/2/2008 – C6-0222/2008 – 2005/0237A(COD))

Committee on Transport and Tourism

Rapporteur: Luis de Grandes Pascual

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***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. 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). Suggested corrections of this kind are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	26
PROCEDURE.....	28

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a directive of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (recast) (5724/2/2008 – C6-0222/2008 – 2005/0237A(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (5724/2/2008 – C6-0222/2008),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2005)0587),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 62 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A6-0331/2008),
1. Approves the common position as amended;
 2. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Council common position Title

Council common position

Directive .../.../EC of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (Recast)

Amendment

Directive .../.../EC of the European Parliament and the Council ***on compliance with flag State requirements and*** on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (Recast)

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

¹ OJ C 74 E, 20.3.2008, p. 632.

Amendment 2

Council common position

Recital 3

Council common position

(3) In its Resolution of 8 June 1993 on a common policy on safe seas, the Council set the objective of removing all substandard vessels from Community waters and gave priority to Community action designed to secure the effective and uniform implementation of international rules by drawing up common standards for classification societies.

Amendment

(3) In its Resolution of 8 June 1993 on a common policy on safe seas¹, the Council set the objective of removing all substandard vessels from Community waters and gave priority to Community action designed to secure the effective and uniform implementation of international rules by drawing up common standards for classification societies, ***defined as ship inspection and survey organisations (hereinafter “recognised organisations”)***.

¹*OJ C 271, 7.10.1993, p. 1.*

Justification

Although the earlier text is quoted accurately and the bodies in question used to be called ‘classification societies’, the same name ought to be used throughout the directive. The purpose of this amendment is to reinstate Parliament’s position at first reading. See first-reading Amendment 1.

Amendment 3

Council common position

Recital 8

Council common position

(8) Worldwide a large number of the existing ***classification societies*** do not ensure either adequate implementation of the rules or ***sufficient*** reliability when acting on behalf of national administrations as they do not have ***reliable and*** adequate structures and experience to enable them to carry out their ***duties*** in a highly professional manner.

Amendment

(8) Worldwide a large number of the existing ***recognised organisations*** do not ensure either adequate implementation of the rules or ***the necessary*** reliability when acting on behalf of national administrations as they do not have adequate structures and experience to enable them to carry out their ***tasks*** in a highly professional manner.

Justification

The purpose of the above amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 4. This amendment applies throughout. If it is adopted, the entire text will need to be altered accordingly.

Amendment 4

Council common position Recital 9

Council common position

(9) In accordance with SOLAS 74 Chapter II-1, Part A-1, Regulation 3-1, Member States are responsible for ensuring that ships flying their flag are designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of classification societies recognised by administrations. These societies therefore produce and implement rules for the design, construction, maintenance and inspection of ships and they are responsible for inspecting ships on behalf of the flag States and certifying that those ships meet the requirements of the international conventions for the issue of the relevant certificates. To enable them to carry out that duty in a satisfactory manner they need to have strict independence, highly specialised technical competence and rigorous quality management.

Amendment

(9) In addition, these recognised organisations produce and implement rules for the design, construction, maintenance and inspection of ships and they are responsible for inspecting ships on behalf of the flag States and certifying that those ships meet the requirements of the international conventions for the issue of the relevant certificates. To enable them to carry out that duty in a satisfactory manner they need to have strict independence, highly specialised technical competence and rigorous quality management.

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading.

Amendment 5

Council common position Recital 13

Council common position

(13) This Directive should ensure freedom

RR\741104EN.doc

Amendment

(13) This Directive should ensure freedom

PE407.922v02-00

7/28

to provide services in the Community, accordingly the **Community** should be entitled to negotiate, with those third countries where some of the recognised organisations are located, **in order to ensure** equal treatment for the recognised organisations **located** in the Community.

to provide services in the Community; accordingly the **Commission** should be entitled to negotiate, with those third countries where some of the recognised organisations are located, equal treatment for the recognised organisations **domiciled** in the Community.

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 8.

Amendment 6

Council common position

Recital 15

Council common position

(15) Divergence in **the** financial liability regimes **of** the recognised organisations working on behalf of the Member States would impede the proper implementation of this Directive. In order to contribute to solving this problem it is appropriate to bring about a degree of harmonisation at Community level of the liability arising out of any **marine casualty** caused by a recognised organisation, as decided by a court of law, including settlement of a dispute through arbitration procedures.

Amendment

(15) Divergence in **terms of** financial liability regimes **among** the recognised organisations working on behalf of the Member States would impede the proper implementation of this Directive. In order to contribute to solving this problem it is appropriate to bring about a degree of harmonisation at Community level of the liability arising out of any **incident** caused by a recognised organisation, as decided by a court of law, including settlement of a dispute through arbitration procedures.

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 10.

Amendment 7

Council common position

Recital 18

Council common position

(18) Member States should nevertheless be

Amendment

(18) Member States should nevertheless be

left with the possibility of suspending *or withdrawing* their authorisation of a recognised organisation *while informing the Commission and the other Member States of their decisions and giving substantiated reasons therefore.*

left with the possibility of suspending their authorisation of a recognised organisation *for reasons of serious danger to safety or the environment. The Commission should decide without delay, in accordance with the committee procedure, whether any national measure to the above effect should be overruled.*

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading.

Amendment 8

Council common position Article 1

Council common position

This Directive establishes measures to be followed by the Member States in their relationship with organisations entrusted with the inspection, survey and certification of ships for compliance with the international conventions on safety at sea and prevention of marine pollution, while furthering the objective of freedom to provide services. This includes the development and implementation of safety requirements for hull, machinery and electrical and control installations of ships falling under the scope of *the* international conventions.

Amendment

The purpose of this Directive is:

(a) to ensure that Member States effectively and consistently discharge their obligations as flag States in accordance with international conventions;

(b) to establish measures to be followed by the Member States in their relationship with *recognised* organisations *which they have* entrusted with the inspection, survey and certification of ships for compliance with the international conventions on safety at sea and prevention of marine pollution, while furthering the objective of freedom to provide services. This *process* includes the development and implementation of safety requirements for hull, machinery and electrical, *radiotelephone*, and control installations of ships falling under the scope of *those* international conventions.

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 9

Council common position

Article 2 – point c

Council common position

(c) 'inspections and surveys' means inspections and surveys that are mandatory under the international conventions;

Amendment

(c) 'inspections and surveys' means inspections and surveys that are mandatory under the international conventions **and under this Directive and other Community legislation concerning maritime safety**;

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 21.

Amendment 10

Council common position

Article 2 – point d

Council common position

(d) 'international conventions' means the International Convention for the Safety of Life at Sea of 1 November 1974, (SOLAS 74) **with the exception of chapter XI-2 of the Annex thereto**, the International Convention of Load Lines of 5 April 1966 **and** the International Convention for the Prevention of Pollution from Ships of 2 November 1973 (Marpol), together with the protocols and amendments thereto, and the related codes of mandatory status in all Member States, in their up-to-date version;

Amendment

(d) 'international conventions' means the International Convention for the Safety of Life at Sea of 1 November 1974, (SOLAS 74) the International Convention of Load Lines of 5 April 1966, the International Convention for the Prevention of Pollution from Ships of 2 November 1973 (Marpol), **the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 69), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 1978), and the Convention on International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72)**, together with the protocols and amendments thereto, and the related codes of mandatory status in all Member States, in their up-to-date version;

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 11

**Council common position
Article 2 – point d a (new)**

Council common position

Amendment

(da) “Flag State Code” means parts 1 and 2 of the “Code for the Implementation of Mandatory IMO Instruments”, adopted by the IMO through Assembly Resolution A.996(25) on 29 November 2007, in its up-to-date version;

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 12

**Council common position
Article 2 – point d b (new)**

Council common position

Amendment

(db) 'administration' means the competent authorities of the Member State whose flag the ship is flying, including departments, agencies, and bodies, in charge of the implementation of the Flag State-related provisions of the IMO Conventions;

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 13

Council common position Article 2 – point k

Council common position

(k) “**class** certificate” means a document issued by a recognised organisation certifying the fitness of a ship for a particular use or service in accordance with the rules and **procedures** laid down and made public by that recognised organisation;

Amendment

(k) “**classification** certificate” means a document issued by a recognised organisation certifying the fitness of a ship for a particular use or service in accordance with the rules and **regulations** laid down and made public by that recognised organisation;

Justification

The purpose of this amendment is to reinstate Parliament’s position at first reading.

Amendment 14

Council common position Article 3 – paragraph 1

Council common position

1. In assuming their responsibilities and obligations under the international conventions, Member States shall ensure that their competent administrations can ensure appropriate enforcement of the provisions thereof, ***in particular with regard to the inspection and survey of ships and the issue of statutory certificates and exemption certificates as provided for by the international conventions. Member States shall act in accordance with the relevant provisions of the Annex and the Appendix to IMO Resolution A.847(20) on guidelines to assist flag States in the implementation of IMO instruments.***

Amendment

1. In assuming their responsibilities and obligations under the international conventions, Member States shall ensure that their competent administrations can ensure appropriate enforcement of the provisions thereof, ***in accordance with paragraphs 1a to 1c.***

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 15

Council common position Article 3 – paragraph 1 a (new)

Council common position

Amendment

1a. Member States shall apply the provisions of the Flag State Code.

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 16

Council common position Article 3 – paragraph 1 b (new)

Council common position

Amendment

1b. Member States shall take the necessary measures for an independent auditing of their administration at least once every five years in accordance with the provisions of Resolution A.974 (24), adopted by the IMO Assembly on 1 December 2005. They shall ensure, on the basis of the audit findings, that, if appropriate, a comprehensive corrective plan is drawn up in accordance with section 8 of Part II of the Annex to that Resolution and ensure implementation in a timely and effective manner.

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 17

Council common position Article 3 – paragraph 1 c (new)

Council common position

Amendment

1c. Member States shall take the necessary measures with regard to the inspection and survey of ships and the issue of statutory certificates and exemption certificates as provided for by the international conventions.

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 18

Council common position Article 3 – paragraph 2 – point ii

Council common position

Amendment

(ii) to ***rely upon*** organisations ***to undertake*** fully or in part the inspections and surveys referred to in point (i);

(ii) to ***entrust recognised*** organisations ***with the task of undertaking*** fully or in part the inspections and surveys referred to in point (i);

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading.

Amendment 19

Council common position Title (new) of Article 3 a (new)

Council common position

Amendment

Article 3a
Flag State requirements

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 20

Council common position

Article 3 a (new)

Council common position

Amendment

- 1. Prior to allowing the operation of a ship, which has been granted the right to fly its flag, the Member State concerned shall take the appropriate measures to ensure that the ship in question complies with the applicable international rules and regulations. In particular, it shall verify the safety records of the ship by all reasonable means. It shall, if necessary, consult with the administration of the losing flag State in order to establish whether any outstanding deficiencies or safety issues identified by that administration remain unresolved.***
- 2. Whenever a flag State requests information concerning a ship which was previously flying the flag of a Member State, the requested Member State shall promptly provide details of outstanding deficiencies and any other relevant safety-related information to the requesting flag State.***
- 3. When the administration is informed that a ship flying the flag of the Member State concerned has been detained by a port State, it shall oversee the appropriate corrective measures to bring the ship into compliance with the applicable regulations and IMO Conventions. For this purpose, that administration shall establish the applicable procedures.***

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 21

**Council common position
Article 3 b (new)**

Council common position

Amendment

Article 3b

1. Member States shall ensure that at least the following information concerning the ships flying their flag is kept under the direct control of a public authority and remains at all times readily accessible to the administration by appropriate electronic means:

(a) particulars of the ship (name, IMO number, etc.);

(b) dates of the surveys, including additional and supplementary surveys, if any, and audits;

(c) identification of the recognised organisations involved in the certification and classification of the ship;

(d) identification of the Body which has inspected the ship under Port State control provisions and dates of the inspections;

(e) outcome of the port State control inspections (deficiencies: yes or no; detentions yes or no);

(f) information on casualties;

(g) identification of the ships which have ceased to fly the flag of the Member State concerned during the previous 12 months.

Member States shall, upon request, provide the Commission with the above-mentioned data.

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 22

Council common position Article 3 c (new)

Council common position

Amendment

Article 3c

1. Each Member State shall, within the framework of a quality management system, continuously evaluate and review its performance as a flag State. These evaluations shall, over a [36] month period, cover all aspects of the quality management system for the operational parts of the administration.

As a minimum, the following performance indicators shall be included in the evaluation:

- port State control detention rates,***
- flag State inspection results, and***
- performance indicators, as may be appropriate, to determine whether staffing, resources and administrative procedures are adequate to meet the flag State obligations.***

2. Member States which have carried out evaluations in accordance with paragraph 1a and appear on the black [or grey] list as published in the annual report of the Paris Memorandum of Understanding (MOU) on Port State Control on 1 July of the year of completion of the evaluations shall provide the Commission with a report on their performance as flag States no later than 1 November of the year of completion of the evaluation.

The report shall identify and analyse the main reasons for the lack of performance; it shall also include a plan for remedial and corrective actions, including supplementary surveys when appropriate, that will be implemented at the earliest opportunity.

3. The quality management system shall be set up and certified within a period of three years from the entry into force of this Directive.

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 23

Council common position

Article 3 d (new)

Council common position

Amendment

Article 3d

The Commission shall, before the end of [2010], submit to the European Parliament and the Council a report on the feasibility of establishing a Memorandum of Understanding on flag State control obligations, aiming at ensuring a level playing field between flag States which have committed themselves to implementing in a mandatory way the Flag State Code and agreed to be audited in accordance with the provisions of Resolution A. 974 (24), adopted by the IMO Assembly on 1 December 2005.

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 24

Council common position Title (new) of Article 4

Council common position

Amendment

Relationship with recognised organisations

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 25

Council common position Article 4 – paragraph 2 – subparagraph 1

Council common position

Amendment

In order for a Member State to accept that a recognised organisation located in a third State is to carry out ***fully or in part*** the duties mentioned in Article 3 it may ***request*** the third State in question to grant reciprocal treatment to those recognised organisations which are located in the Community.

In order for a Member State to accept that a recognised organisation located in a third State is to carry out, ***on its behalf***, the duties mentioned in Article 3, ***or part of those duties***, it may ***require*** the third State in question to grant reciprocal treatment for those recognised organisations which are located in the Community.

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 27.

Amendment 26

Council common position Article 5 – paragraph 2 – point a – subparagraph 1 a

Council common position

Amendment

Accordingly, when a recognised organisation, its inspectors, or its technical staff issue the required certificates on behalf of the authority,

they shall be subject to legal safeguards and judicial protection, including the exercise of any rights of defence, in the same forms as those to which the authority and its members could have had recourse had the authority issued the required certificates itself;

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 28.

Amendment 27

Council common position

Article 5 – paragraph 2 – point b – point ii

Council common position

(ii) if liability arising out of any ***marine casualty*** is finally and definitely imposed on the administration by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for personal injury ***or*** death, which is proved in that court of law to have been caused by any negligent or reckless act or omission of the recognised organisation, its employees, agents or others who act on behalf of the recognised organisation, the administration shall be entitled to financial compensation from the recognised organisation to the extent that that personal injury ***or*** death was, as decided by that court, caused by the recognised organisation; the Member States may limit the maximum amount payable by the recognised organisation, which must, however, be at least equal to EUR 4 million;

Amendment

(ii) if liability arising out of any ***incident*** is finally and definitely imposed on the administration by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for personal injury ***not resulting in*** death, which is proved in that court of law to have been caused by any negligent or reckless act or omission of the recognised organisation, its employees, agents or others who act on behalf of the recognised organisation, the administration shall be entitled to ***claim*** financial compensation from the recognised organisation to the extent that that personal injury ***not resulting in*** death was, as decided by that court, caused by the recognised organisation; the Member States may limit the maximum amount payable by the recognised organisation, which must, however, be at least equal to EUR 4 million, ***except where the amount determined in the judgment or settlement is lower, in which case this latter amount shall constitute the compensation payable;***

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 30.

Amendment 28

Council common position

Article 5 – paragraph 2 – point b – point iii

Council common position

(iii) if liability arising out of any **marine casualty** is finally and definitely imposed on the administration by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for loss of or damage to property, which is proved in that court of law to have been caused by any negligent or reckless act or omission of the recognised organisation, its employees, agents or others who act on behalf of the recognised organisation, the administration shall be entitled to financial compensation from the recognised organisation, to the extent that that loss or damage was, as decided by that court, caused by the recognised organisation; the Member States may limit the maximum amount payable by the recognised organisation, which must, however, be at least equal to EUR 2 million;

Amendment

(iii) if liability arising out of any **incident** is finally and definitely imposed on the administration by a court of law or as part of the settlement of a dispute through arbitration procedures, together with a requirement to compensate the injured parties for loss of or damage to property, which is proved in that court of law to have been caused by any negligent or reckless act or omission of the recognised organisation, its employees, agents or others who act on behalf of the recognised organisation, the administration shall be entitled to **claim** financial compensation from the recognised organisation, to the extent that that loss or damage was, as decided by that court, caused by the recognised organisation; the Member States may limit the maximum amount payable by the recognised organisation, which must, however, be at least equal to EUR 2 million, **except where the amount determined in the judgment or settlement is lower, in which case this latter amount shall constitute the compensation payable;**

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading amendment 31.

Amendment 29

Council common position

Article 5 – paragraph 2 – point e

Council common position

(e) provisions for reporting essential information about their classed fleet, and changes, suspensions and withdrawals of class.

Amendment

(e) provisions for **compulsory** reporting of essential information about their classed fleet, and changes, suspensions and withdrawals of class.

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 33.

Amendment 30

Council common position

Article 8

Council common position

Notwithstanding the **minimum** criteria specified in *the* Annex I of Regulation (EC) No .../..., where a Member State considers that a recognised organisation can no longer be authorised to carry out on its behalf the tasks specified in Article 3 it may suspend **or withdraw** such authorisation. ***In such case*** the Member State shall inform the Commission and the other Member States of its decision without delay and shall give substantiated reasons therefore.

Amendment

Notwithstanding the criteria specified in Annex I of Regulation (EC) No .../..., where a Member State considers that a recognised organisation can no longer be authorised to carry out on its behalf the tasks specified in Article 3 it may suspend such authorisation ***by the following procedure***:

(a) the Member State shall inform the Commission and the other Member States of its decision without delay and shall give substantiated reasons therefore;

(b) the Commission, having regard to safety and pollution prevention, must assess the reasons put forward by the Member State for suspending its authorisation of the recognised organisation;

(c) acting in accordance with the procedure referred to in Article 6(2), the Commission shall inform the Member State whether or not its decision to suspend the authorisation is sufficiently justified for reasons of serious danger to safety or the environment. If the decision is not justified, the Commission shall request the Member State to withdraw the suspension. If the decision is justified and the Member State, pursuant to Article 4(1), has restricted the number of organisations acting on its behalf, the Commission shall request the Member State to grant a new authorisation to another recognised organisation to replace the suspended organisation.

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendments 46 and 47.

Amendment 31

**Council common position
Article 9 – paragraph 1**

Council common position

1. Each Member State shall ***satisfy itself*** that the recognised organisations acting on its behalf for the *purpose* of Article 3(2) effectively carry out the functions referred to in that Article to the satisfaction of its competent administration.

Amendment

1. Each Member State shall ***check*** that the recognised organisations acting on its behalf for the *purposes* of Article 3(2) effectively carry out the functions referred to in that Article to the satisfaction of its competent administration.

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 48.

Amendment 32

Council common position Article 9 – paragraph 2

Council common position

2. Each Member State shall **carry out the task referred to in paragraph 1** at least on a biennial basis and shall provide the other Member States and the Commission with a report on the results of **this** monitoring at the latest by 31 March of the year following the years **for** which **compliance has been assessed**.

Amendment

2. Each Member State shall, at least on a biennial basis, **monitor every organisation acting on its behalf** and shall provide the other Member States and the Commission with a report on the results of **these** monitoring **activities** at the latest by 31 March of the year following the years **in** which **they are carried out**.

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading. See first-reading Amendment 49.

Amendment 33

Council common position Title (new) of Article 12

Council common position

Amendment

Final provisions

Justification

The Commission proposals on flag state control and classification societies both form part of the third maritime safety package, a set of interrelated proposals.

Amendment 34

Council common position

Article 13 – paragraph 1 – subparagraph 1

Council common position

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with **this Directive by ...***. They shall forthwith inform the Commission thereof.

* **OJ: 24 months after** the date of entry into force of this Directive.

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with **Articles [...] and points [...] of Annex I [articles or subdivisions thereof and points of Annex I marking a substantive change from Directive 94/57/EC] within ...***. They shall forthwith inform the Commission thereof **and shall, in addition, supply a table showing the correlation between those provisions and this Directive.**

* **18 months of** the date of entry into force of this Directive.

Justification

The purpose of this amendment is to reinstate Parliament's position at first reading.

EXPLANATORY STATEMENT

Background to, and aim of, the proposal

The fourth revision is intended to strengthen and clarify the role of classification societies recognised at EU level, now known as 'recognised organisations', given that continuing significant failings have been found to exist in the process of inspecting and certifying the safety of the world's shipping.

Previous directives, particularly Directive 2001/105/EC, one of the three proposals in the Erika I legislative package, have already been predicated on the imperative need to reform the present system for Community recognition of classification societies, established by Directive 94/57/EC; the substantial progress that they brought about was later cemented in the Council's conclusions of 13 December 2002 and in Parliament's resolutions on strengthening safety at sea (2003/2235(INI)) and the resolution adopted in the wake of the *Prestige* accident (2003/2066(INI)).

It is necessary to return to this matter because more needs to be done in order to further consolidate and improve the operation of recognised organisations: to quote the various operators making up the shipping industry, if these organisations did not exist, they would have had to be invented, as they perform a vital task in maintaining safety at sea. However, as mentioned above, the process of inspecting and certifying recognised organisations is still seriously flawed, posing a threat of unacceptable magnitude to safety and the environment. Within the shipping safety system, a great deal of power is concentrated in the hands of the recognised organisations, and its exercise has to be closely supervised by the proper authorities. Recognised organisations are called upon to ensure that the ships sailing on our seas meet the appropriate international safety and pollution prevention standards; the authorities should guarantee that, when carrying out that duty, they act with independence and rigour.

The Council common position

On the question of producing two separate legal instruments, a proposal for a regulation and a proposal for a directive, instead of the single directive initially proposed, the approach underlying the common position appears to be sound.

The fact that some points in the common position depart from what was approved by Parliament does not conclusively rule out the possibility for Parliament, the Commission, and the Council to reach a consensus. On the contrary, we take a favourable view of the common position, which is largely consistent with Parliament's attitude at first reading. We believe in any event that there is a solid basis for a final understanding.

The thinking behind our attitude is that the set of seven proposals (in reality, seven plus one, since the proposal for a directive on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations has been split into two legal instruments, namely a proposal for a directive on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime

administrations and a proposal for a regulation on common rules and standards for ship inspection and survey organisations), making up the 'Erika III' package must of necessity be treated as an interconnected whole and not be broken up, as there would otherwise be a risk of descending into incoherence. This of course does not alter the fact that each proposal is an entity in itself.

PROCEDURE

Title	Directive on ship inspection and survey organisations and the activities of maritime administrations (recast version)
References	05724/2/2008 – C6-0222/2008 – 2005/0237A(COD)
Date of Parliament's first reading – P number	25.4.2007 T6-0150/2007
Commission proposal	COM(2005)0587 - C6-0038/2006
Date receipt of common position announced in plenary	19.6.2008
Committee responsible Date announced in plenary	TRAN 19.6.2008
Rapporteur(s) Date appointed	Luis de Grandes Pascual 24.6.2008
Discussed in committee	14.7.2008 25.8.2008
Date adopted	4.9.2008
Result of final vote	+: 42 -: 0 0: 0
Members present for the final vote	Gabriele Albertini, Etelka Barsi-Pataky, Paolo Costa, Michael Cramer, Luis de Grandes Pascual, Arūnas Degutis, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Emanuel Jardim Fernandes, Francesco Ferrari, Brigitte Fouré, Mathieu Grosch, Georg Jarzembowski, Stanisław Jałowiecki, Timothy Kirkhope, Dieter-Lebrecht Koch, Jaromír Kohlíček, Sepp Kusstatscher, Jörg Leichtfried, Bogusław Liberadzki, Marian-Jean Marinescu, Erik Meijer, Seán Ó Neachtain, Reinhard Rack, Gilles Savary, Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Silvia-Adriana Țicău, Yannick Vaugrenard, Roberts Zīle
Substitute(s) present for the final vote	Johannes Blokland, Luigi Cocilovo, Zita Gurmai, Lily Jacobs, Anne E. Jensen, Rosa Miguélez Ramos, Vladimír Remek, Dominique Vlasto, Corien Wortmann-Kool
Date tabled	8.9.2008