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*****III**

REPORT

on the joint text approved by the Conciliation Committee for 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)

(PE-CONS 3719/2008 – C6-0042/2009 – 2005/0237A(COD))

European Parliament delegation to the Conciliation Committee

Delegation chair: Rodi Kratsa-Tsagaropoulou

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.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the joint text approved by the Conciliation Committee for 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) (PE-CONS 3719/2008 – C6-0042/2009 – 2005/0237A(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3719/2008 – C6-0042/2009),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2005)0587),
 - having regard to its position at second reading² on the Council common position³,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2008)0828)⁴,
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 65 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A6-0097/2009),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ OJ C 74 E, 20.3.2008, p. 632.

² Texts adopted, 24.9.2008, P6_TA(2008)0447.

³ OJ C 184 E, 22.7.2008, p. 11.

⁴ Not yet published in OJ.

EXPLANATORY STATEMENT

I. Background

I.1 The 3rd Maritime Package

The 3rd Maritime Package (also known as Erika III Package) was proposed by the Commission at the end of 2005. This package was the follow-up to the Erika I and II Packages which were put forward in the aftermath of the Erika accident in 1999 off the French Atlantic coast. It also followed Parliament's resolution of 21.4.2004 drafted by the Temporary Committee on improving safety at sea (MARE) which was set-up following the Prestige accident in 2002.

The overall aim of the 3rd Maritime Package is to further reinforce existing EU safety legislation and to transpose major international instruments into Community law. Its seven proposals aim at preventing accidents (by improving the quality of European flags, reviewing the legislation on port state control and vessel traffic monitoring and by improving the rules relating to classification societies) and ensuring an effective response in case of an accident (by developing a harmonised framework for accident investigation, introducing rules on compensation of passengers in case of an accident and by introducing rules on ship-owners' liability coupled with a mandatory insurance scheme).

I.2 This proposal

The aim of the Commission proposal was to reinforce common EU rules and standards for ship inspection and survey organisations and related maritime administration's ship activities. The main task was to revise existing EU legislation enshrined in Directive 94/57/EC, thereby regulating organisations, known as "classification societies", which are currently responsible for inspecting ships and issuing their licenses.

The Commission proposal strengthens and clarifies the role of classification societies recognised by the EU, as significant shortcomings were recognised in the process of inspecting and certifying the safety of vessels. A close supervision by the appropriate authorities should guarantee that these organisations, which are tasked with ensuring that vessels on our seas comply with the relevant international safety and anti-pollution standards, act with independence and rigour.

II. The legislative procedure before conciliation

II.1 The 3rd Maritime Package in 1st and 2nd reading

For Parliament the Maritime Package was always seen as a package and for this reason its individual files were always dealt with together. The 1st reading on the seven proposals took place in March/April 2007. The Council reached political agreements on six of the eight proposals (one file was split in a directive and a regulation) during its meetings of June and November 2007. Two files (on flag states' obligations and civil liability), however, remained blocked because Member States were reluctant to adopt such legislation at EU level. An

attempt in April 2008 to de-block the files was unsuccessful.

Member States sought to exert pressure on the Parliament to continue the legislative procedure of the six by transmitting the common positions. Parliament eventually agreed to this approach in order to make progress.

Following the transmission of the common positions in June 2008 Parliament nevertheless continued to put pressure on Council to make progress with the two remaining files (known as the "missing two"). This was done by incorporating the substance of these files into some of the active legislative files of the package via amendments.

In parallel negotiations on the six files in 2nd reading continued unsuccessfully. The fate of the "missing two" as well as difficulties in some files led to a decision not to reach a second reading agreement on any file. In plenary Parliament restored its first reading amendments to all files, as well as the amendments which incorporated the substance of the "missing two". The six files subsequently went to conciliation.

II.2. This proposal in 1st and 2nd reading

Parliament concurred with the Commission's approach on this file. In its 1st reading Parliament essentially sought to clarify and improve the proposal (e.g. role of recognised organisations acting on behalf of the States, setting up an Assessment Committee to assess the quality management systems of recognised organisations).

The Council in its common position was favourable to Parliament's first reading position and no major issue divided the institutions in 2nd reading. The main change introduced by Council was a split of the original proposal in two separate legal instruments (a Directive and a Regulation), a move which was acceptable to Parliament and to the Commission, as it provides greater legal clarity.

III. Conciliation

III.1 The 3rd Maritime Package in conciliation

Following the 2nd reading vote of 24.9.2008 and given the political will to conclude the conciliation under the French Presidency the Parliament's conciliation delegation was constituted very quickly on 7.10.2008.

In parallel the pressure applied by Parliament on Council to find agreement on the "missing two" began to yield results. Following an informal Council meeting which discussed the issue in the presence of the TRAN Chair Paolo Costa, political agreements were reached on both files on 9.10.2008.

Parliament and Council held two trialogues (on 4.11. and 2.12.) and one informal meeting on the most difficult dossiers to run up to the conciliation committee on 8.12 which concluded the negotiations. Parliament's delegation met twice (5.11. and 3.12.) in addition to the meetings of the negotiating team which exceptionally included - because of the size of the package - the TRAN coordinators.

Agreement on the last outstanding issues of the most difficult dossier (of Mr. Costa) was reached on 8.12. On that evening Parliament also gave the Presidency letters confirming its willingness to conclude early 2nd reading agreements on the "missing two" thereby allowing the Council to adopt its two common positions at its meeting on 9.12.

At the conciliation committee the Council was represented by Mr. Bussereau, President-in-Office of the Council and Secretary of State for Transport of France. Vice-President Tajani represented the Commission. This demonstrated once more that in the case of very difficult negotiations the involvement of the highest political level and the dynamics of a conciliation evening can make a difference in reaching agreement.

The overall result of conciliation for Parliament is very positive. Not only were the "missing two" concluded in parallel but many improvements were also made to the texts agreed in conciliation. This was mainly due to the solidarity between Members who did not allow any file to be concluded without an overall agreement on all of them.

The special circumstances of the Maritime Package showed, however, that it is not an ideal situation when the same Presidency is responsible for negotiations in 2nd and 3rd reading. In Coreper, it seemed very difficult for the Presidency to convince Member States to make yet another effort since psychologically the negotiations had been going on for too long already. For Parliament on the other side a completely new phase had started with conciliation, yet in Council, with the same Presidency, it was regarded as a continuation of the same phase.

III.2 This proposal in conciliation

Negotiations on this file in conciliation were finalised at the level of trialogue meetings, prior to the meeting of the conciliation committee, which only dealt with the remaining open file. The main points of the agreement can be summarised as indicated below:

- Judicial protection of recognised organisations: The role of recognised organisations when acting on behalf of Member States was clarified with the inclusion of a new recital.
- Withdrawal or refusal of authorisation: The procedure, by which a Member State can refuse or withdraw an authorisation to a recognised organisation, was made clear.

V. Conclusion

The agreement reached at the end of the conciliation procedure includes the main points in the amendments adopted by Parliament at second reading. The delegation accordingly recommends that Parliament approves the joint text at third reading.

PROCEDURE

Title	Joint text approved by the Conciliation Committee for 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)
References	(PE-CONS 3719/2008 – C6-0042/2009 – 2005/0237A(COD))
Delegation chairwoman: Vice-President	Rodi Kratsa-Tsagaropoulou
Committee responsible Chairman:	TRAN Paolo Costa
Rapporteur(s)	Luis de Grandes Pascual
Commission proposal	COM(2005)0587
Date of Parliament's first reading – P number	25.4.2007 P6_TA(2007)0150
Amended Commission proposal	
Council common position Date announced in plenary	5724/2/2008 – C5-0222/2008 19.6.2008
Commission position (Article 251(2), subpara 2, indent 3)	COM(2008)0370
Date of Parliament's second reading – P number	24.9.2008 P6-TA(2008)0447
Commission opinion (Article 251(2), subpara 3, point (c))	COM(2008)0828
Date Council received 2nd reading	10.10.2008
Date of Council letter on non-approval of Parliament amendments	27.11.2008
Conciliation Committee meetings	8.12.2008
Date of vote by Parliament delegation	8.12.2008
Result of vote	+: 14 -: 0 0: 0
Members present	Paolo Costa, Emanuel Jardim Fernandes, Luis de Grandes Pascual, Georg Jarzembowski, Anne E. Jensen, Rodi Kratsa-Tsagaropoulou, Rosa Miguélez Ramos, Gilles Savary, Brian Simpson, Dirk Sterckx, Silvia-Adriana Țicău, Dominique Vlasto, Corien Wortmann-Kool
Substitute(s) present	Inés Ayala Sender, Renate Sommer
Substitute(s) under Rule 178(2) present	
Date of agreement in Conciliation Committee	8.12.2008
Agreement by exchange of letters	
Date on which the co-chairmen established that the joint text had been approved and forwarded it to Parliament and the Council	3.2.2008
Date tabled	25.2.2008
Comments (available in one language only)	...

EXTENSION OF DEADLINES

Deadline for second reading by Council	0.0.0000
Deadline for convening the Committee Requesting institution – date	0.0.0000 [Council] – 0.0.0000
Deadline for work in the Committee Requesting institution – date	3.2.2009 [Parliament] – 19.1.2009
Deadline for adopting the act Requesting institution – date	0.0.0000 [Council] – 0.0.0000