



COMMISSION OF THE EUROPEAN COMMUNITIES

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2000/0237 (COD)

Amended proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**concerning the Committee on Safe Seas and the Prevention of Pollution from Ships and
amending the Regulations on maritime safety and the prevention of pollution from ships**

Amended proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending the Directives
on maritime safety and the prevention of pollution from ships**

(presented by the Commission)

EXPLANATORY MEMORANDUM

At its plenary sitting on 13 February 2001 the European Parliament approved, subject to 12 amendments, the proposal for a Regulation of the European Parliament and of the Council concerning the Committee on Safe Seas and amending the Regulations on maritime safety and the prevention of pollution from ships and the proposal for a Directive of the European Parliament and of the Council amending the Directives on maritime safety and the prevention of pollution from ships.

The Commission welcomes most of Parliament's amendments and broadly approves their objectives.

It accepts, in some cases with a few changes to the form of the text:

- The amendments serving as a reminder that the proposed Committee will be responsible not only for maritime safety but also for the prevention of pollution from ships, protection of the marine environment and shipboard living and working conditions. The Commission can accept this aim since it is true that part of the Community legislation in question deals with prevention of pollution from ships and shipboard living and working conditions. By contrast, the only point which the Commission has not included in its amended proposal is protection of the marine environment, which is covered by environmental legislation (which includes, for example, pollution from land-based sources) and does not fall within the scope of the Community legislation on safety and pollution prevention. The Commission has added the prevention of pollution from ships to the Committee's name. However, for clarity, throughout the text the Committee on Safe Seas and the Prevention of Pollution from Ships is referred to as "COSS".
- The amendments serving as a reminder of the role of the European Parliament in the regulatory procedure, although the wording proposed must be aligned on the standard wording approved at inter-institutional level for the committees procedure.
- The amendment to make it clear that amendment to the legislation by the conformity checking procedure provided for in Article 4 is possible only if the Commission or a Member State certifies that there is a risk to safety or of incompatibility with the Community legislation on maritime safety. The basic objective of this amendment is to clarify the conditions under which the conformity checking procedure may be initiated (i. e. when such a risk is found to exist). In this context, the Commission can agree that such clarification is useful, but has proposed rewording the clause to make it clearer and more precise. The Commission proposes maintaining the second subparagraph as originally proposed but adding a third subparagraph to paragraph 1 stating that the conformity checking procedure is initiated by the Commission on its own initiative, possibly at the request of a Member State.

Beyond that, the Commission also wishes to take account of new developments since it adopted its original proposals. In particular, in response to the ERIKA disaster the Commission has adopted a series of proposals for legislation, notably the proposal for a Regulation establishing a European Maritime Safety Agency submitted on 6 December 2000. This Agency is a completely different body from the Committee on Safe Seas proposed here. However, in the course of discussions within the European Parliament, the Council and other institutions such as the Economic and Social Committee and the Committee of the Regions it became clear that there was real confusion between the separate tasks of these two bodies.

Consequently, as stated by the Economic and Social Committee in its opinion of 28 February and 1 March 2001, "there is a need to clearly define the role and competences of the European Maritime Safety Agency in order to avoid any risk of confusion or duplication of work with the Committee on Safe Seas."

The Commission therefore proposes amending its original proposal to clarify the role of the Committee on Safe Seas and the Prevention of Pollution from Ships. In particular, the objective is to make it clear that the Committee will act only strictly within the implementing powers conferred on the Commission under the Treaty and that this proposal will imply no extension of these powers. The main amendments made are to the definitions in Article 2 and to Article 4 on the conformity checking procedure. Article 4 in particular has raised many questions and requests for clarification of its exact scope and of its compatibility with the institutional rules in force. The amendments to the text:

- make it clear that COSS will intervene only in the fields already covered by the committees procedure in the legislation in force, without any extension of the powers of the existing committees. In particular, COSS will be responsible only for the international conventions expressly referred to by the Directives or Regulations in force. Consequently, the Commission will not be able to apply the committees procedures, particularly the conformity checking procedure, to other international conventions not referred to by the Regulation or Directive concerned;
- reiterate that the sole objective of the conformity checking procedure is to enable the European Community to react rapidly and effectively, in accordance with the principle of the primacy of Community law, in the, *a priori* exceptional, event of a conflict between an amendment to an international instrument in the process of adoption (particularly, during the six-month tacit acceptance period) and any Community Directive or Regulation implementing the existing version of the same international instrument.

Finally, this amended proposal takes account of the following recent developments:

- The adoption by the European Parliament and the Council of two further Directives:
 - Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues;
 - Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers, which amends and repeals Council Directive 94/58/EC of 22 November 1994.
- The need to put right an omission from Directive 96/98/EC on marine equipment, which was drawn to the Commission's attention at a recent meeting of the Committee set up by the Directive. The current wording of Article 17 of Directive 96/98/EC specifying the measures which can be taken by the committee procedure does not allow updating of the conformity assessment procedure modules for the types of equipment listed in Annex AI. The Commission therefore proposes amending Article 17 so that the necessary changes can be made to Annex AI to Directive 96/98/EC by the committee procedure.

The Commission therefore hereby amends its proposal, as provided for by Article 250(2) of the Treaty.

Amended proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

concerning the Committee on Safe Seas and the Prevention of Pollution from Ships and amending the Regulations on maritime safety and the prevention of pollution from ships

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the Economic and Social Committee,²

Having regard to the opinion of the Committee of the Regions,³

Acting in accordance with the procedure referred to in Article 251 of the Treaty,⁴

Whereas:

- (1) The measures implementing the existing Regulations and Directives in the field of maritime safety were adopted by a regulatory procedure involving the committee set up by Council Directive 93/75/EEC⁵ and, in certain cases, an *ad hoc* committee. These committees are governed by the rules set out in Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission.⁶
- (2) By its resolution of 8 June 1993 on a common policy on safe seas, the Council approved in principle the establishment of a Committee on Safe Seas **and the Prevention of Pollution from Ships (COSS)** and called on the Commission to present a proposal to set up such a committee.
- (3) The role of ~~the Committee on Safe Seas~~**COSS** is to centralise the tasks of the committees set up under the Community legislation on maritime safety, **the prevention of pollution from ships and the protection of shipboard living and working conditions** and to assist and advise the Commission on all matters of

¹ OJ C

² OJ C

³ OJ C

⁴ OJ C

⁵ OJ L 247, 5.10.1993, p. 19. Last amended by Directive 98/74/EC (OJ L 276, 13.10.1998, p. 7).

⁶ OJ L 197, 18.7.1987, p. 3.

maritime safety and prevention or reduction of pollution of the environment by shipping activities.

- (4) In keeping with the Council Resolution of 8 June 1993, a Committee on Safe Seas **and the Prevention of Pollution from Ships** should be set up and assigned the tasks previously devolved to the committees established under the existing Community legislation on maritime safety, **the prevention of pollution from ships and the protection of shipboard living and working conditions**. All new Community legislation adopted in the field of maritime safety should stipulate recourse to the Committee **thereby set upon Safe Seas**.
- (5) Decision 87/373/EEC has been replaced by Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.⁷ The purpose of the latter decision is to define the committee procedures applicable and ensure more comprehensive information to the European Parliament and the public on the work of the committees.
- (6) The pertinent provisions of Decision 1999/468/EC should therefore be applied to ~~the Committee on Safe Seas~~ **COSS**. As the measures required to implement the legislation in the field of maritime safety, **the prevention of pollution from ships and the protection of shipboard living and working conditions** are measures of general scope within the meaning of Article 2 of Decision 1999/468/EC, they should be adopted by the regulatory procedure laid down in Article 5 of the Decision, **subject to Article 7(3) and Article 8 of the same Decision, which specify the role of the European Parliament. To allow COSS to operate in emergencies, it is appropriate to reduce to one month the period set in Article 5(6) of Decision 1999/468/EC.**
- (7) The existing ~~maritime safety~~ legislation **on maritime safety, the prevention of pollution from ships and the protection of shipboard living and working conditions** should also be amended to substitute **COSS** ~~the Committee on Safe Seas~~ for the committee set up by Directive 93/75/EEC or, where appropriate, for the *ad hoc* committee established under the particular piece of legislation. This Regulation should in particular amend the relevant provisions of Council Regulations (EEC) No 613/91,⁸ (EC) No 2978/94⁹ and (EC) No 3051/95,¹⁰ in order to insert a reference to **COSS** ~~the Committee on Safe Seas~~ and to stipulate the regulatory procedure laid down in Article 5 of Decision 1999/468/EC.
- (8) Moreover, the existing Community legislation on maritime safety, **the prevention of pollution from ships and the protection of shipboard living and working conditions** is based on the application of rules resulting from international conventions, codes and resolutions in force at the date of adoption of the Community act in question, or at the date specified by the latter. As a consequence, Member States cannot apply the subsequent amendments to these international instruments until the Community directives or regulations have been amended. This has major disadvantages owing to the difficulty of getting the date of entry into force of the amendment at the international level to coincide with that of the regulation integrating

⁷ OJ L 184, 17.7.1999, p. 23.

⁸ OJ L 68, 15.3.1991, p. 1.

⁹ OJ L 319, 12.12.1994, p. 1.

¹⁰ OJ L 320, 30.12.1995, p. 14. Amended by Regulation (EC) No 179/98, 23.1.1998, p. 35.

this amendment into Community law, not least the delayed application within the Community of the most recent and most stringent international safety standards.

- (9) However, it is necessary to make a distinction between the provisions of a Community act making reference, for the purposes of their application, to an international instrument and Community provisions reproducing an international instrument in full or in part. In the latter case, the most recent amendments to the international instruments cannot in any case be rendered applicable until the Community provisions concerned have been amended.
- (10) Member States should therefore be permitted to apply the most recent provisions of international conventions, with the exception of those explicitly incorporated in a Community act. This can be done by stating that the version of the international convention applicable for the purposes of the directive or regulation concerned is that “in force”, without mentioning the date.
- (11) A specific conformity checking procedure should, however, be set up to enable the Commission, after consulting ~~the Committee on Safe Seas COSS~~, to take whatever measures may be necessary to exclude the risk of amendments to the international instruments being incompatible with the Community legislation or Community policy on **maritime safety, the prevention of pollution from ships and the protection of shipboard living and working conditions** in force. Such a procedure must also prevent international amendments from lowering the standard of maritime safety achieved in the Community.
- (12) The conformity checking procedure will only be fully effective if the planned measures are adopted as speedily as possible, but at all events before the expiry of the deadline for the effective entry into force of the international amendment. Consequently, the time available to the Council to act on the proposed measures in accordance with Article 5(6) of Decision 1999/468/EC should be reduced to one month,

HAVE ADOPTED THIS REGULATION:

Article 1

Objective

The objective of this Regulation is to improve the implementation of the Community legislation **referred to in Article 2(2)** on maritime safety, **the prevention of pollution from ships and** ~~protection of the marine environment and~~ shipboard living and working conditions:

- a) by centralising the tasks of the committees set up under the ~~pertinent~~ Community **maritime** legislation **and disbanded by this Regulation** by creating a single Committee **on Safe Seas and the Prevention of Pollution from Ships**, to be known as ~~the Committee on Safe Seas COSS~~;
- b) by facilitating **subsequent amendment** ~~the process~~ of **amending** the ~~pertinent~~ Community **maritime** legislation in the light of developments in the international instruments applicable **to maritime safety, protection of the marine environment**

and shipboard living and working conditions, by deleting the references to the date of entry into force of the abovementioned international instruments.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- 1) “international instruments”: the conventions, protocols, resolutions, codes, compendia of rules, circulars, standards and provisions adopted by an international conference, the International Maritime Organisation (IMO), the International Labour Organisation (ILO), the parties to a memorandum of understanding or an international standards body **referred to in the provisions of the Community maritime legislation in force, in the field of maritime safety, prevention of pollution from ships and shipboard living and working conditions.**
- 2) “Community maritime legislation”: the Community acts in force listed below:
 - a) Council Regulation (EEC) No 613/91 of 4 March 1991 on the transfer of ships from one register to another within the Community,
 - b) Council Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods,
 - c) Council Regulation (EC) No 2978/94 of 21 November 1994 on the implementation of IMO Resolution A.747(18) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers,
 - d) Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations,¹¹
 - ~~e) Council Directive 94/58/EC of 22 November 1994 on the minimum level of training of seafarers,¹²~~**
 - ef)** Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control),¹²
 - fg)** Council Regulation (EC) No 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger ferries,

¹¹ OJ L 319, 12.12.1994, p. 20. Amended by Directive 97/58/EC (OJ L 274, 7.10.1997, p. 8).

¹² ~~OJ L 319, 12.12.1994, p. 28. Amended by Directive 98/35/EC (OJ L 172, 17.6.1998, p. 1.)~~

¹² OJ L 157, 7.7.1995, p. 1. Last amended by Directive 1999/97/EC (OJ L 331, 23.12.1999, p. 67).

gh) Council Directive 96/98/EC of 20 December 1996 on marine equipment,¹³

hi) Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over,¹⁴

ij) Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships,¹⁵

jk) Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community,¹⁶

kl) Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high speed passenger craft services,¹⁷

l) Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues,¹⁸

m) Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers.¹⁹

Article 3

Establishment of the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)

1. The Commission shall be assisted by a regulatory committee, hereinafter called **COSS**, ~~the Committee on Safe Seas~~, composed of representatives of the Member States and chaired by the representative of the Commission.
2. Whenever reference is made to this ~~Article~~ **paragraph**, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, subject to the provisions of Article 7(~~3~~) and of Article 8 of the Decision.
3. For the purposes of this Regulation, the period referred to in Article 5(6) of Decision 1999/468/EC shall be one month.

¹³ OJ L 46, 17.2.1997, p. 25. Amended by Directive 98/85/EC (OJ L 315, 11.11.1998, p. 14).

¹⁴ OJ L 34, 9.2.1998, p. 1. Amended by Directive 1999/19/EC (OJ L 83, 27.3.1999, p. 48).

¹⁵ OJ L 144, 15.5.1998, p. 1.

¹⁶ OJ L 188, 2.7.1998, p. 35.

¹⁷ OJ L 138, 1.6.1999, p. 1.

¹⁸ **OJ L 332, 28.12.2000, p. 81.**

¹⁹ **OJ L 136, 18.5.2001, p. 17.**

Article 4

Conformity checking procedure

1. **With a view to reducing the risks of conflict between the Community maritime legislation and the international instruments referred to in Article 2(1), the Community Regulations and Directives listed in Article 2(2) may be amended, in accordance with the procedure referred to in Article 3(2), in order to exclude from the scope of the Regulation or the Directive concerned any amendment to the international instruments defined in Article 2(1) and to which reference is made in the Regulation or Directive. The conformity checking procedure may be used solely to make amendments to the Community maritime legislation in the fields expressly covered by the regulatory procedure and strictly within the framework of exercise of implementing powers conferred on the Commission.**

Such amendment to the Community legislation shall be possible only if there is a manifest risk that the international amendment will lower the standard of maritime safety, **of prevention of pollution from ships or of protection of shipboard living and working conditions or protection of the marine environment** established by the Community **maritime** legislation ~~on marine safety~~, or be incompatible with the latter, or if it is likely to compromise the achievement of the Community's objectives in the field of maritime safety, **prevention of pollution from ships or of protection of shipboard living and working conditions**.

The conformity checking procedure shall be initiated by the Commission, which, where appropriate, may act at the request of a Member State.

2. For a period of six months from the adoption at international level of an amendment to an international instrument, ~~referred to in Article 2(1)~~, Member States party to this instrument shall refrain from any initiative intended to accept or apply the amendment, in order to enable the Commission to consult the Committee referred to in Article 3(1) on a draft Commission regulation or directive designed, in application of ~~the first~~ paragraph **1 of this Article**, to exclude the amendment in question from a Community text. If the Committee is consulted within the six months' period, the above standstill period shall continue until the adoption of appropriate measures.
3. Where the amendment to the international instrument is subject to a tacit acceptance procedure, the Commission regulation or directive excluding the new amendment from being incorporated into Community law for the reasons set out in ~~the first~~ paragraph **1** shall be adopted in good time to enable the Member States concerned to lodge an objection to the amendment in question at the international level.

Article 5

Powers of **COSS** ~~the Committee on Safe Seas~~

COSS ~~The Committee on Safe Seas~~ shall exercise the powers conferred on it by virtue of the Community legislation in force.

Article 2(2) ~~of the Regulation~~ may be amended by the procedure set out in Article 3(2) in order to include a reference to the Community acts that have entered into force following the adoption of this Regulation.

Article 6

Amendment of Regulation (EEC) No 613/91

Regulation (EEC) No 613/91 is amended as follows:

1) Article 1(a) is amended as follows:

a) In the first subparagraph, the words “at the date of adoption of this Regulation” are deleted. ~~and the following words added "without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council."~~

b) The final subparagraph is **replaced by the following:** ~~deleted~~

"The amendments to the international instruments referred to in the previous subparagraph may be excluded from the scope of this Regulation, pursuant to Article 4 of Regulation (EC) No .../2001 of the European Parliament and of the Council."²⁰

2) Articles 6 and 7 are replaced by the following:

“Article 6

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) No ... 2001~~0~~.

Article 7

Where reference is made to this Article, the regulatory procedure laid down in Article 3 of Regulation (EC) No.../2001~~0~~ shall apply.

The amendments to the international instruments referred to in Article 3 may be excluded from the scope of this Regulation, pursuant to Article 4 of Regulation (EC) No .../2001."

Article 7

Amendment of Regulation (EC) No 2978/94

Regulation (EC) No 2978/94 is amended as follows:

- 1) Article 3(g) is replaced by the following:

"(g) "Marpol 73/78" means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto" together with the amendments thereto in force, ~~without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council~~".

- 2) The following paragraph is added to Article 6:

"The amendments to the international instruments referred to in Article 3 may be excluded from the scope of this Regulation, pursuant to Article 4 of Regulation (EC) No .../2001 of the European Parliament and of the Council.²¹"

- 32) Article 7 is replaced by the following:

"Article 7

The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS), in accordance with the procedure referred to laid down in Article 3(2) of Regulation (EC) No.../2001~~10~~."

Article 8

Amendment of Regulation (EC) No 3051/95

Regulation (EC) No 3051/95 is amended as follows:

- 1) Article 9 is amended as follows:

a) ~~€~~The words "Article 10(2)" are replaced by the words "Article 10".

b) The following subparagraph is added:

"The amendments to the international instruments referred to in Article 3 may be excluded from the scope of this Regulation, pursuant to Article 4 of Regulation (EC) No .../2001 of the European Parliament and of the Council.²²"

²¹ OJ L
²² OJ L

- 2) Article 10 is replaced by the following:

“Article 10

The Commission shall be assisted by the Committee on Safe Seas **and the Prevention of Pollution from Ships (COSS)**, in accordance with the procedure **referred to laid down** in Article 3(2) of Regulation (EC) No.../20010.”

Article 9

Entry into force

This Regulation shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at,

For the European Parliament
The President

For the Council
The President

Amended pP Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending the Directives
on maritime safety and the prevention of pollution from ships**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the Economic and Social Committee,²

Having regard to the opinion of the Committee of the Regions,³

Acting in accordance with the procedure laid down in Article 251 of the Treaty,⁴

Whereas:

- (1) The Directives in force in the field of maritime safety make reference to the committee set up by Council Directive 93/75/EEC⁵ and, in certain cases, to an *ad hoc* committee set up by the pertinent directive. The existing directives provide that the committees thereby established are governed by the rules of Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission.⁶
- (2) Decision 87/373/EEC was replaced by Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.⁷ As the measures necessary to implement the Directives in force in the field of maritime safety are measures of a general scope within the meaning of Article 2 of Decision 1999/468/EC, they should be adopted by the regulatory procedure laid down in Article 5 of the Decision.

¹ OJ C

² OJ C

³ OJ C

⁴ OJ C

⁵ OJ L 247, 5.10.1993, p. 19. Last amended by Directive 98/74/EC (OJ L 276, 13.10.1998, p. 7).

⁶ OJ L 197, 18.7.1987, p. 3.

⁷ OJ L 184, 17.7.1999, p. 23.

- (3) Regulation (EC) No .../2001~~0~~ of the European Parliament and of the Council⁸ has set up a committee, the Committee on Safe Seas **and the Prevention of Pollution from Ships (COSS)**, to centralise the tasks of the committees established under the pertinent Community legislation on maritime safety, **the prevention of pollution from ships and the protection of shipboard living and working conditions.** **Regulation (EC) No .../2001**~~and~~ stipulates the use of the regulatory procedure described in Article 5 of Decision 1999/468/EC for the purposes of implementing this legislation.
- (4) The Directives in force in the field of maritime safety should therefore be amended in order to replace the existing committees by **COSS**~~the Committee on Safe Seas~~.
- (5) These Directives should also be amended in order to apply to them the amendment procedures laid down by Regulation (EC) No .../2001~~0~~ and the relevant provisions of that Regulation designed to facilitate their adaptation to take account of changes to the international instruments **referred to in the Community legislation** in the field of maritime safety,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objective

The objective of this Directive is to amend the ~~Council~~ Directives in force governing maritime safety, protection of the marine environment and shipboard living and working conditions:

- a) by making reference to the Committee on Safe Seas **and the Prevention of Pollution from Ships** set up by Regulation (EC) No ~~...~~/2001~~0~~, **hereinafter referred to as "COSS"**;
- b) by facilitating their adaptation to take account of changes to the international instruments applicable in the field of maritime safety, prevention of pollution from ships and shipboard living and working conditions, in the manner laid down by Regulation (EC) No /2001~~0~~.

Article 2

Amendment of Directive 93/75/EEC

Directive 93/75/EEC is amended as follows:

- 1) Article 2 is amended as follows:
 - a) in points e) and i), the words “on 1 January 1998” are deleted,
 - b) in point f), the words “on 1 January 1997” are deleted,

⁸ **OJL**

c) in point g), the words “on 10 July 1998” are deleted,

d) in point h), the words “on 1 July 1998” are deleted,

e) the following subparagraph is added:

"The convention, codes, compendia and resolution referred to in points e), f), g), h) and i) of the first subparagraph shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council."

2) The following paragraph is added to Article 11:

"The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 4 of Regulation (EC) No .../2001 of the European Parliament and of the Council."⁹

32) Article 12 is replaced by the following:

“Article 12

The Commission shall be assisted by the Committee on Safe Seas **and the Prevention of Pollution from Ships (COSS)**, in accordance with the procedure laid down in Article 3(**2**) of Regulation (EC) No .../2001**10**.”

Article 3

Amendment of Directive 94/57/EC

Council Directive 94/57/EC¹⁰ is amended as follows:

- 1) In Article 2(d), the words “at the date of adoption of this Directive” are **deleted**, **replaced by the words "without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council"**.
- 2) In Article 7, the first sentence is replaced by “The Commission shall be assisted by the Committee on Safe Seas **and the Prevention of Pollution from Ships (COSS)**, in accordance with the procedure laid down in Article 3(**2**) of Regulation (EC) No .../2001**10** **of the European Parliament and of the Council**.”¹¹

3) Article 8 is amended as follows:

a) In A article 8, paragraph 13, first indent, the words “to the international codes” are replaced by the words “to the international conventions, protocols and codes”.

⁹ **OJ L**

¹⁰ OJ L 319, 12.12.1994, p. 20. Amended by Directive 97/58/EC (OJ L 274, 7.10.1997, p. 8).

¹¹ **OJ L**

b) In paragraph 2, the following subparagraph is added:

"The amendments to the international instruments referred to in Article 2(d) and Article 6 may be excluded from the scope of this Directive, pursuant to Article 4 of Regulation (EC) No .../2001."

4) Article 13 is replaced by the following:

"Article 13

The procedure ~~referred to laid down~~ in Article 3(2) of Regulation (EC) No /2001~~10~~ shall apply to the matters covered by Article 4(3) and (4), Article 5(1), Articles 8, 9 and 10 and Article 14(2)."

Article 4

Amendment of Directive 94/58/EC

Council Directive 94/58/EC is amended as follows:¹²

1) Article 4 is amended as follows:

a) In point p), q) and x), the words "as in force at the time of the adoption of this Directive" are replaced by the words "in force".

(b) In points r) and v), the words "as in the force at the time of the adoption of this Directive" are replaced by the words "in force".

c) Point w) is replaced by the following:

"w) "ro-ro passenger ship": a passenger ship with ro-ro cargo spaces or special category spaces as defined in the SOLAS convention in force."

d) In point u), the words "all being applied as in force at the time of the adoption of this Directive" are replaced by the words "in force".

e) The following subparagraph is added:

"The conventions, code, compendia and regulation mentioned in points p), q), r), u), v) and w) shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council."

2) Article 13 is replaced by the following:

¹² OJ L 319, 12.12.1994, p. 28. Amended by Directive 98/35/EC (OJ L 172, 17.6.1998, p. 1).

~~"Article 13~~

~~The Commission shall be assisted by the Committee on Safe Seas, in accordance with the procedure laid down in Article 3 of Regulation (EC) No .../2000."~~

Article 45

Amendment of Directive 95/21/EC

Council Directive 95/21/EC¹³ is amended as follows:

1) Article 2 is amended as follows:

a) In point 1), the words "on 1 July 1999" are ~~deleted~~ **replaced by the words "without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council"**.

b) In point 2), the words "as it stands on 1 July 1999" are replaced by the words **"in force".** ~~without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000.~~

2) Article 18 is replaced by the following:

"Article 18

Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)

The Commission shall be assisted by **COSS** ~~the Committee on Safe Seas~~, in accordance with the procedure laid down in Article 3(2) of Regulation (EC) No .../2001¹⁴ **of the European Parliament and of the Council.**¹⁴,

3) Article 19 **is amended as follows:**

a) _____ point c) is deleted,

b) _____ the following subparagraph is added:

"The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 4 of Regulation (EC) No .../2001."

Article 56

Amendment of Directive 96/98/EC

Council Directive 96/98/EC¹⁵ is amended as follows:

¹³ OJ L 157, 7.7.1995, p. 1. Last amended by Directive 1999/97/EC (OJ L 331, 23.12.1999, p. 67).

¹⁴ **OJ L**

1) **In Article 2, is amended as follows:**

a) ~~in~~ points c), d) and n), the words “on 1 January 1999” are deleted.

2) Article 17 is amended as follows:

a) **In the third indent the words "and by amending the columns for the conformity assessment modules" are added.**

b) The following subparagraph is added:

“The conventions and testing standards referred to in points c), d) and n) **of Article 2** shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2001~~10~~ of the European Parliament and of the Council.¹⁶”

32) Article 18 is replaced by the following:

“Article 18

The Commission shall be assisted by the Committee on Safe Seas **and the Prevention of Pollution from Ships (COSS)**, in accordance with the procedure **referred to laid-down** in Article 3(**2**) of Regulation (EC) No .../2001~~10~~.”

Article ~~67~~

Amendment of Directive 97/70/EC

Article 9 of Council Directive 97/70/EC¹⁷ is replaced by the following:

“Article 9

Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)

The Commission shall be assisted by **COSS**, ~~the Committee on Safe Seas~~, in accordance with the procedure **referred to laid-down** in Article 3(**2**) of Regulation (EC) No.../2001~~10~~ of the European Parliament and of the Council.¹⁸

The amendments to the international instrument referred to in Article 2(4) may be excluded from the scope of this Directive, pursuant to Article 4 of Regulation (EC) No .../2001.”

¹⁵ OJ L 46, 17.2.1997, p. 25. Amended by Directive 98/85/EC (OJ L 315, 11.11.1998, p. 14).

¹⁶ **OJ L**

¹⁷ OJ L 34, 9.2.1998, p. 1. Amended by Directive 1999/19/EC (OJ L 83, 27.3.1999, p. 48).

¹⁸ **OJ L**

Article 78

Amendment of Directive 98/18/EC

Council Directive 98/18/EC¹⁹ is amended as follows:

1) Article 2 is amended as follows:

a) In point a), the words “on the date of adoption of this Directive” are deleted.

b) In points b) and c), the words “as amended at the date of adoption of this Directive” are replaced by the words “in force”.

c) In points d) and f), the words “as amended at the date of adoption of this Directive” are replaced by the words “in force”.

~~d) The following subparagraph is added:~~

~~"The conventions and compendia referred to in points a), b), c), d) and f) shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC^o No .../2000 of the European Parliament and of the Council."~~

2) In Article 6(1), points (b) and (c), 6(2), point (a)(i), and 6(3), point (a), the words “as amended at the date of adoption of this Directive” are deleted.

3) **In a**Article 8 **is amended as follows:**

a) point (b) is replaced by the following:

“b) Annex I may be amended in order to:

i) apply, for the purpose of this Directive, amendments made to international conventions;

ii) improve the technical specifications thereof, in the light of experience.”

b) **the following subparagraph is added:**

"The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 4 of Regulation (EC) No .../2001 of the European Parliament and of the Council."²⁰

4) Article 9 is replaced by the following:

¹⁹ JO L 144, 15.5.1998, p. 1.

²⁰ **OJL**

“Article 9

Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)

The Commission shall be assisted by **COSS** ~~the Committee on Safe Seas~~, in accordance with the procedure laid down in Article 3(2) of Regulation (EC) No .../2001~~10~~.”

Article ~~89~~

Amendment of Directive 98/41/EC

Council Directive 98/41/EC²¹ is amended as follows:

- 1) In Article 2, third indent, the words “as in force at the time of the adoption of this Directive” are replaced by the words “in force” ~~without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council.~~.”

- 2) **In Article 12 the following subparagraph is added:**

“The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 4 of Regulation (EC) No .../2001 of the European Parliament and of the Council.”²²

- 3) Article 13 is replaced by the following:

“Article 13

The Commission shall be assisted by the Committee on Safe Seas **and the Prevention of Pollution from Ships (COSS)**, in accordance with the procedure laid down in Article 3U of Regulation (EC) No .../2001~~10~~.”

Article ~~910~~

Amendment of Directive 1999/35/EC

Council Directive 1999/35/EC²³ is amended as follows:

- 1) Article 2 is amended as follows:
 - a) In points b) and o), the words “as amended on the date of the adoption of this Directive” are replaced by the words “in force”.
 - b) In point d), the words “on the date of adoption of this Directive” are deleted.

²¹ OJ L 188, 2.7.1998, p. 35.

²² **OJ L**

²³ OJ L 138, 1.6.1999, p. 1.

c) In point e), the words “as amended on the date of the adoption of this Directive” are replaced by the words “in force”.

~~d) The following subparagraph is added:~~

~~"The conventions and compendia referred to in points b), c), e) and o) shall be understood without prejudice to any measures taken in application of Article 4 of Regulation (EC) No .../2000 of the European Parliament and of the Council."~~

2) Article 16 is replaced by the following:

“Article 16

Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)

The Commission shall be assisted by **COSS** ~~the Committee on Safe Seas~~, in accordance with the procedure laid down in Article 3(2) of Regulation (EC) No .../2001 **of the European Parliament and of the Council.**^{24,}

3) In Article 17 the following subparagraph is added:

"The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 4 of Regulation (EC) No .../2001."

Article 10

Amendment of Directive 2000/59

1) In Article 2(b) the words "as in force at the date of adoption of this Directive" are deleted.

2) Article 14 is replaced by the following:

"Article 14

1. Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)

The Commission shall be assisted by COSS, in accordance with the procedure referred to in Article 3(2) of Regulation (EC) No .../2001 of the European Parliament and of the Council.^{25"}

3) In Article 15 the following paragraph is added:

²⁴ OJ L
²⁵ OJ L

"The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 4 of Regulation (EC) No .../2001."

Article 11

Amendment of Directive 2001/25/EC

Directive 2001/25/EC of the European Parliament and of the Council²⁶ is amended as follows:

1) Article 1 is amended as follows:

a) In points 16, 17 and 24 the words "as in force on 25 May 1998" are replaced by the words "in force".

b) In points 18, 22 and 23 the words "as in force on 25 May 1998" are replaced by the words "in force".

c) In point 21 the words "as in force on 25 May 1998" are replaced by the words "in force".

2) In Article 22 the following paragraph is added:

"4. The amendments to the international instruments referred to in Article 1 may be excluded from the scope of this Directive, pursuant to Article 4 of Regulation (EC) No .../2001 of the European Parliament and of the Council.²⁷"

2) Article 23 is replaced by the following:

"Article 23

Committee on Safe Seas and the Prevention of Pollution from Ships (COSS)

The Commission shall be assisted by COSS, in accordance with the procedure referred to in Article 3(2) of Regulation (EC) No .../2001."

²⁶ OJ L 136, 18.5.2001, p. 17. ~~OJ L 319, 12.12.1994, p. 28, amended by Directive 98/35/EC (OJ L 172, 17.6.1998, p. 1).~~

²⁷ OJ L

Article ~~1211~~

Application

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

2. The Member States shall notify to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article ~~1312~~

Entry into force

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

Article ~~1413~~

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President