Common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations. Recast

2005/0237A(COD) - 06/06/2008 - Council position

The Council's common position, adopted by unanimity, introduces, in full or in part, 14 amendments proposed by the European Parliament at 1st reading. The other amendments proposed by the Parliament (14 in total) were rejected by the Council.

The main issue raised during the discussions in the Council bodies was the form of the legal act proposed by the Commission. In its political agreement, the Council agreed to split the text into two separate instruments, a Directive and a Regulation.

In terms of the Directive, the Council was able to agree on almost all main elements of the Commission proposal concerning the relationship of Member States with organisations entrusted with the inspection, survey and certification of ships. The related provisions contain only a few changes compared to the corresponding provisions of the existing Directive 94/57/EC.

The modifications of the text by the Council were either necessary for editorial or terminological reasons or concern the following issues:

- firstly, in line with the existing Community system, under which Member States can delegate their powers to recognised organisations to inspect ships and issue certificates under the relevant international conventions, the Council is of the view that, if a Member State does no longer wish to authorise a specific recognised organisation to act on its behalf, it is up to the Member State concerned to suspend or withdraw the authorisation. The text of the common position does not specify any procedure, apart from the obligation to inform the Commission and other Member States without delay of the suspension or withdrawal and to give substantiated reasons for this measure;
- secondly, in accordance with the amended Comitology Decision, the Council introduces in its common position the regulatory procedure with scrutiny for the adaptation of the Directive to amendments to the international conventions, protocols, codes and resolutions;
- thirdly, the Council deems it appropriate to specify the timeframe for the information by the Commission on the implementation of the Directive by Member States and provides that this will be done every two years.