

Common rules and standards for ship inspection and survey organisations. Recast

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

The common position, unanimously adopted by the Council, brings together, fully or in part, 36 amendments proposed by the European Parliament at 1st reading. The other amendments proposed by the European Parliament (8 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 decided to split the text into two separate instruments, a Directive and a Regulation. In addition to the decision to include all provisions related to the Community recognition of ship inspection and survey organisations in a new Regulation, the Council deemed appropriate to modify these provisions for reasons of clarity or based on the following considerations:

Scope of recognition and minimum recognition criteria: the Council, like the European Parliament, considers it important to emphasise that the organisation to be recognised should provide services worldwide, regardless of its corporate structure. In case of a limited recognition, the common position provides for transparency as to the reasons of the limitation and the conditions to modify it. To avoid any downgrading of the minimum criteria for recognition, the common position foresees the possibility to establish rules, through the comitology procedure, on the interpretation of, and objectives for, these criteria, particularly concerning the number of staff members to be employed by the recognised organisations.

Imposition of fines against recognised organisations: Member States must be informed through the advisory procedure about any decision to be taken by the Commission in order to impose fines against recognised organisations that do not fulfil their obligations under the Regulation.

Harmonisation of rules and procedures of recognised organisations and mutual recognition of certificates issued by them: the Council approves the Commission's proposal to encourage recognised organisations to further harmonise their rules and procedures and to consider when to mutually recognise their certificates for materials, equipment and components. The common position includes, however, a set of safeguard clauses. The latter relate to cases where the mutual recognition of certificates cannot be agreed upon between recognised organisations, or to cases where it has been confirmed that the material, a piece of equipment or a component does not comply with its certificate. In line with the European Parliament's proposal, the Commission is asked to provide a report on the level reached in the process of harmonisation of the rules and procedures of recognised organisations and on mutual recognition of certificates issued by them.

Assessment and certification of the quality management systems of recognised organisations: the Council fully agrees with the broad outlines of the Commission's proposal: that recognised organisations should set up an entity responsible for the assessment and certification of their quality management systems. Mostly in agreement with the European Parliament's amendment, the Council emphasises that this should be done in accordance with the applicable international quality standards and following advice from the relevant professional associations working in the shipping industry. Further modifications by the Council of the provisions related to this Quality Assessment and Certification System aim, in particular, to streamline the tasks of this entity and to clarify that it must have the necessary governance and competences to act independently from the recognised organisations.

Introduction of the regulatory procedure with scrutiny: the Council introduces in its common position the regulatory procedure with scrutiny to: amend the Regulation according to amendments to the international conventions, protocols, codes and resolutions; update the minimum recognition criteria; and adopt criteria to measure the effectiveness of the rules and procedures, as well as the performance of the recognised organisations regarding safety and pollution prevention.