

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

2005/0237B(COD) - 11/06/2008 - Commission communication on Council's position

The Commission accepts the separation of the proposal into a draft Directive and a draft Regulation in so far as (a) it remains a formal procedure and the substance of its proposal is fully respected; and (b) it helps create greater legal certainty for the organisations concerned.

Concerning the Regulation, the Commission generally endorses the amendments agreed by the Council, which aim to: state explicitly that the recognition may be granted only to organisations that meet the recognition criteria; enable a more flexible approach to limiting recognition; include deadlines for corrective action; launch an Advisory Committee procedure before the Commission imposes penalties on a defaulting recognised organisation; calculate the upper limit of the fines that may be imposed on an organisation on the basis of its turnover for the previous three financial years; add a fifth case, as regards grounds for withdrawal of recognition, designed, in particular, to prevent public or private subsidies being used to pay the penalties imposed on a recognised organisation; initiate significant improvements in terms of the mutual recognition of classification certificates; extend the deadline for the Commission to submit a report on the implementation of mutual recognition from three to five years; require recognised organisations to set up a joint independent system to certify their quality management systems; make it possible for the Commission to lay down the techniques for interpreting and applying the criteria set out in the Annex.

The Commission and the Council are both of the opinion that the system currently being developed by the Community could usefully serve as a model at international level. This is in line with the European Parliament's concerns regarding the need for coordination between the Community system and the international system. The Commission and the Member States are therefore prepared to call on the International Maritime Organisation (IMO) to draw up a code guaranteeing that classification societies operate at a high level of quality worldwide. The Council and the Commission have therefore signed a joint declaration to this effect.

Lastly, the Commission considers that the Council's common position fully addresses the concerns which led the Commission to submit its proposal to recast Directive 94/57/EC, and it retains the key elements of the measures it recommended. Now that the act has been split into a draft Directive and a draft Regulation, most of those measures have been incorporated into the draft Regulation. Furthermore, the common position incorporates almost all of those amendments put forward by the European Parliament, which the Commission was able to accept either in whole or in part. The Commission is therefore of the opinion that the common position forms a good basis for reaching agreement with the European Parliament at second reading.