# Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 19/12/2001 - Final act

PURPOSE : to strengthen and harmonise rules on survey organisations and ship inspections. COMMUNITY MEASURE : Directive 2001/105/EC amending Council Directive 94/57/EC on common rules and standards for ship inspections and survey organisations and for the relevant activities of maritime administrations. CONTENT : In accordance with the joint text approved by the Conciliation Committee on 13/11/01, the Council adopted the amendment to Directive 94/57/EC concerning safety and pollution prevention at sea. Its purpose is to strengthen and harmonise the Community regime concerning authorised bodies, while simplifying the monitoring and reporting obligations imposed on Member States. The main provisions are as follows: - in addition to the authority of Member States to suspend the authorisation of an organisation working on their behalf, a similar authority applies at Community level, the Commission being allowed, on the basis of the Committee procedure, to suspend the recognition of an organisation for a limited period of time where its safety and pollution performance is worsening and it fails to take appropriate corrective measures. - the decision to withdraw the recognition of an organisation which fails to fulfil the provisions in the Directive is to be taken by the Commission, on the basis of the Committee procedure. - the Directive brings about harmonisation at Community level of the liability arising out of any incident caused by a recognised organisation, as decided by a court. In cases of death or personal injury, the Member States may limit the maximum amount payable by the recognised organisation, which must be at least equal to EUR 4 million. In cases of loss or damage to property, the Member States may set a limit to the maximum payable, provided it is at least equal to EUR 2 million. By 22/07/06, the Commission must submit a report evaluating the economic impact of the liability regime, and its consequences for the financial equilibrium of recognised organisations. In the light of this evaluation, the Commission may submit proposals for the amendment of this Directive with more specific reference to the principle of liability and the maximum liabilities. - the recognised organisations must provide all relevant statutory information on the conditions of the ships in their class to the port State control authorities and make it publicly available. - to prevent ships from changing class in order to avoid carrying out repairs, the recognised organisations must exchange information on the conditions of ships changing class. - when submitting their request for recognition, classification societies and their surveyors must give a written undertaking on an individual basis not to accept statutory work where there is a likelihood of conflict of interest, i.e. where there is identity with the owner or operator of a ship to be inspected or there are business, personal or family links to the owner or o operator of a ship. - the qualitative criteria to be met by the technical organisations in order to be recognised at Community level and to maintain such recognition must include provisions to ensure that only exclusive surveyors can carry out the inspections and surveys required by international conventions, i.e. statutory tasks related to the issue of the relevant safety certificates.those organisations must have tight control over all their personnel or offices, and establish their own safety targets and indicators. DATE OF TRANSPOSITION : 22/07/03 ENTRY INTO FORCE : 22/01/01.