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

2000/0236(COD) - 27/05/2002 - Council position

The unanimously adopted common position approves the objective of the proposal, which it regards as a justified simplification measure. The setting up of the Committee on Safe Seas and the Prevention of Pollution from Ships, which will bring together under a single committee all the committee procedures put in place under various maritime safety regulations and directives, should make the committee work more transparent and allow more consistent implementation of Community policies on maritime safety and the prevention of pollution from ships. The centralisation of tasks should also facilitate the reduction of bureaucracy and costs by cutting down on the number of meetings. The Committee on Safe Seas and the Prevention of Pollution from Ships will be subject to the procedures relating to the exercise of implementing powers conferred on the Commission, laid down in Council Decision No 1999/468/EC. The Council also approves the general pattern of the proposals as regards the rapid application of the most recent rules on maritime safety and the prevention of pollution from ships adopted by the international organisations. In that respect, the Council endorses the view that the procedures established to ensure rapid amendment of the relevant Community legislative texts in response to the changes in international rules should be accompanied by a prior check on the conformity of the amendments, to avoid the application of provisions that might be incompatible with Community law or lower Community maritime safety standards. The Council believes, however, that the circumstances in which the procedure to check conformity will be initiated must be clearly defined and it must be ensured that the whole procedure can be completed at the appropriate time, before expiry of the period after which the amendment is deemed to have been tacitly accepted or before the proposed date of entry into force of the amendment in question. It also wishes to ensure that the process of incorporating the changes to international rules into Community maritime law is as transparent as possible. The common position of the Council incorporates, fully or in substance, the amendments tabled by the European Parliament at first reading: - the Council has amended the description of the committee's tasks and the scope of the legislative field covered by the proposal in order to include the prevention of pollution from ships and living and working conditions on board. The committee will be designated 'the Committee on Safe Seas and the Prevention of Pollution from Ships'. However, the Council does not consider that there should be any reference to the question of protection of the maritime environment, which is already covered by the environmental legislation; - the role of the European Parliament in the regulatory procedure established by Council Decision No 1999/468/EC is expressly referred to; - a specific reference to the abolition of the committees set up under Community maritime law has been included; - the procedure to check the conformity of the proposed amendments should only be resorted to if it has previously been established that the amendment would lower maritime safety standards or would be incompatible with Community legislation. To that end, the text makes the initiation of the procedure to check conformity subject to an evaluation, to be carried out by the Commission, to establish that there is a manifest risk in that regard. Finally, the common position adopts certain amendments made to the Commission's proposal, aimed in particular at: - defining the circumstances in which the procedure to check conformity will be initiated and improving the presentation of the provisions relating to the various aspects of the procedure. The procedure to check conformity is to be regarded as an exceptional measure, which can only be initiated in specific circumstances; - adding a reference to cooperation between the Commission and the Member States in the international bodies concerned, in order to reduce the risk of the latter adopting amendments that are incompatible with Community legislation; - making it clear that the Commission, acting if necessary at the request of a Member State, initiates the procedure to check conformity without delay and that the procedure ends at least one month before the expiry of the above-mentioned period; - introducing a provision to the effect that, in the interests of greater transparency, all the amendments concerned are to be published in the Official Journal of the European Communities.