Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 28/09/1995 - Council position

The Council's common position incorporates most of the amendments accepted by the Commission in its amended proposal. Some have been changed slightly, but nothing has been done to alter the spirit of the amendments made by the European Parliament at first lecture (e.g. the term "small" companies has been deleted for reasons of clarity, the definitions of "regular service" and "sheltered waters" have been maintained). The Council also preferred, as far as controlling the validity of the document of compliance is concerned, to keep to the general guidelines of the ISM Code by verifying them every 30 months (rather than every year, as recommended by the European Parliament). However, the Commission would be authorized to review this frequency according to a set procedure. However, it adds an extra clarification: a Member State may only issue documents of compliance for a company which has its principal place of business on its own territory. The flag country of the ship must also be consulted. In addition, every state must be able to accept the document or certificate of compliance issued by another Member State. Those issued by third countries must comply with the regulation. As far reviewing the regulation within 3 years of application is concerned, the Council supports this measure but has deleted certain superfluous terms "miscellaneous interpretations"). The amendments rejected by the Council include: - the definition of a "seagoing vessel", which made the regulation inapplicable in sheltered waters; - an amendment allowing the ISM Code to be changed; - an amendment seeking to define liability for accidents. At the same time, the Council wished the regulation to apply to all companies operating at least one ro-ro ferry to and from a Community port, regardless of the place of constitution, establishment or operation. It would also apply to ferries already in service. Finally, as far as comitology is concerned, the Council decided that if the Member States wished to suspend the operation of certain ferries, the Commission would be authorized to make a final decision within the framework of a regulatory committee (type IIIa rather than an advisory committee, as proposed by the Commission).