

Maritime transport and safety: transfer of cargo and passenger ships between registers within the Community

2003/0180(COD) - 05/08/2003 - Legislative proposal

PURPOSE : to eliminate technical barriers to the transfer of cargo and passenger ships between the registers of the Member States while, at the same time, ensuring a high level of ship safety and environmental protection, in accordance with international conventions. **CONTENT** : the main aim of the proposal is to strengthen certain aspects of the regime set out by Council Regulation 613/91/EEC, in the light of the experience gathered with its implementation. For legal clarity and simplicity, Regulation 613/91/EEC is repealed and replaced by a new text. A regulation is the most appropriate form of Community measure to revise an existing regulation. The European Commission proposed to update, widen and strengthen existing rules on the transfer of ships between EU registers. The proposed measure will make it easier for ships to change from one EU to another EU register. The aim is to contribute to the European Transport Policy objectives of improving the operating conditions and competitive position of European shipping whilst continuing to ensure a high level of ship safety and environmental protection. The new proposal extends the benefit of free transfer of register to passenger ships and provides for better co-operation between national maritime administrations. It builds upon the experience gathered with the implementation of current EU legislation and on recent EU and international regulatory developments in the field of maritime safety. Its aim is to further reduce the costs and the administrative procedures that the shipping industry faces when it decides to transfer ships from one register to another in the EU. The new proposed regulation will replace rules agreed in 1991. It strikes a balance between internal market considerations - such as the elimination of technical barriers to the transfer of ships between Member States - and maritime safety imperatives. Its basic philosophy is the recognition at European level that the safety standards enshrined in IMO Conventions are appropriate. Its main objectives are the following : - extend the benefit of free transport of register to passenger ships. Only cargo ships benefited so far of the free transfer possibility. However in the last years, the international regime applicable to passenger ships has been refined and a fully harmonised European technical regime was established for passenger ships built on or after the 1st of July 1998. This regime was reinforced by the recent adoption of the Commission's proposals on stability requirements for ro-ro passenger ships and on safety rules and standards for passenger ships. The Commission thus proposes to extend to all passenger ships built on or after 1 July 1998 or built before that date but complying with international requirements the free transfer of register regime. - better articulating the register regime with other EU maritime safety instruments. Most of the EU maritime safety legislation was adopted after the present register regime was set up in 1991. It is therefore important to link the new register regime with new EU instruments such as the classification societies Directive, the marine equipment Directive and the Port State control Directive. - reinforce co-operation between national maritime administrations. Only ships that have been in active service under the flag of a Member State for at least six months may currently be transferred to another EU register. The Commission proposes to replace this rule by a provision that the maritime administration of the register losing the vessel must inform that of the gaining register of the improvements it required, if any, for registering the ship or renewing her certificates and of overdue surveys and provide it with the history file of the vessel.