Implementation of the International Safety Management Code within the Community

2003/0291(COD) - 11/12/2003 - Legislative proposal

PURPOSE : to enhance the safe management, safe operation and pollution prevention of ships flying the flag of a Member State and of all ro-ro passenger ferries operating on a regular service to or from ports of the Member States of the European Union. PROPOSED ACT : Regulation of the European Parliament and of the Council. CONTENT : the International Management Code for the Safe Operation of Ships and Pollution Prevention (International Safety management (ISM) Code) was adopted by the International Maritime Organization (IMO) 10 years ago1 to provide a blueprint for the way shipping companies should manage and operate their fleets and to promote the development of a widespread safety culture and environmental conscience in shipping. By defining the company's responsibility for safety and ensuring that senior management could more easily be held accountable, the code seeks to ensure that safety should be given top priority. The purpose of this Regulation is to enhance the safe management, safe operation and pollution prevention of: - Cargo ships, flying the flag of a Member State, engaged on international and domestic voyages; - Passenger ships, flying the flag of a Member State, engaged on international voyages; - Passenger ships engaged on domestic voyages in sea areas of Class A and B, as defined in article 4 of Directive 98/18/EC, regardless of their flag; - Ro-Ro passenger ferries operating to or from ports of the Member States of the Community on a regular ro-ro passenger ferry service, regardless of their flag; - Cargo ships, operating to or from ports of the Member States of the Community on a cabotage feeder service, regardless of their flag. The purpose of this Regulation is to maintain in parallel the existing EU ISM rules applicable to ro-ro ferries, irrespective of their flag and sailing on a regular service to and from European ports. The scope of the proposed Regulation is based on the provisions of Chapter IX of SOLAS, and applies, with restriction concerning the gross tonnage of the ships concerned, to all ships falling under the scope of the SOLAS Convention and flying the flag of a Member State, even if they operate on domestic voyages. Nevertheless for passenger ships operating on domestic voyages the provisions will only apply to passenger ships operating more than 5 miles from the coastline, but these rules will apply to all flags. Any Companies operating one or more of the above mentioned ships will have to comply with the Regulation. For ships flying the flag of a third country, in so far as they do not operate on domestic voyages within the Community and for the Companies operating them which already apply the requirements of Chapter IX of SOLAS, compliance with SOLAS will be checked through the port State control regime set up under Directive 95/21/EC, as amended.