

Maritime transport: ship and port facility security

2003/0089(COD) - 10/06/2005 - Implementing legislative act

LEGISLATIVE ACT: Commission Regulation 884/2005/EC.

CONTENT: This Regulation lays down procedures for conducting Commission inspections to monitor the application of Regulation 725/2004/EC at the level of each Member State and of individual port facilities and relevant companies.

Without prejudice to Commission responsibilities, Member States shall cooperate with the Commission in the accomplishment of its inspection tasks. The cooperation shall be effective during the preparatory, control and reporting phases.

Member States shall endeavour to make available to the Commission national inspectors able to participate in Commission inspections, including the related preparatory and reporting phases.

A national inspector shall not participate in Commission inspections in the Member State where he is employed. Each Member State shall provide the Commission with a list of national inspectors on whom the Commission may call to participate in a Commission inspection. That list shall be updated, at least by the end of June each year, and for the first time within eight weeks of the entry into force of this Regulation.

In providing the Commission with technical assistance, the European Maritime Safety Agency shall make technical experts available to participate in Commission inspections, including the related preparatory and reporting phases.

The Regulation contains provisions regarding qualification criteria and training for Commission inspectors, as well detailed procedures for the conduct of Commission inspections (notice of inspections, preparation of inspections, conduct of inspections, the inspection report, response from the Member State and the action that can be taken by the Commission).

The Commission may take any of the following steps in the event of non-conformity or major non-conformity with Regulation 725/2004/EC and following receipt of the response of the Member State:

- submit comments to the Member State or request further explanation to clarify all or part of the response;
- conduct a follow-up inspection to check the implementation of corrective actions, the minimum notice for such a follow-up inspection being two weeks;
- initiate an infringement procedure in respect of the Member State concerned.

If an inspection discloses major non-conformity with Regulation 725/2004/EC which is deemed to have a significant impact on the overall level of maritime security in the Community, the Commission shall inform the other Member States immediately after communicating the inspection report to the Member State concerned.

For the first time by 31 December 2006 and regularly thereafter, the Commission shall review its system of inspections and in particular the effectiveness of that system.

ENTRY INTO FORCE: 01/07/2005.