# Implementation of the International Safety Management Code within the Community

2003/0291(COD) - 18/07/2005 - Council position

The Council supports the need to replace regulation 3051/95 with a new text obliging all companies and ships covered by the SOLAS Convention to apply the ISM Code. It acknowledges that the new Regulation will facilitate the correct, strict and harmonised implementation of the Code in all Member States. The Council, however, seeks to go further than the Commission's initial proposal. Those provisions include:

- An extension of the Regulation's scope to include all ships flying the flag of a Member State on domestic voyages and ships, regardless of their flag, exclusively engaged on domestic voyages or operating to or from ports of Member States on a regular shipping service. For reasons of proportionality, passenger ships, (other than ro-ro passenger ferries, operating less than five miles from the coastline) as well as cargo ships and mobile off shore drilling units of less than 55 gross tonnage are excluded from the scope.

- Definitions have been refined and, where appropriate, aligned in accordance with existing international instruments. This takes account of high-speed crafts, passenger submersible crafts, ro-ro ferries and mobile off-shore drilling units as well as specifications relating to gross tonnage measurements.

- Community legislation implementing international legal instruments should be aligned as much as possible to these instruments. Documents should correspond to those of the ISM Code. All such documents should be accepted by the Member States.

- The Common Position takes account of varying shipping conditions in the EU's Member States and as such has provided for certain derogations; This applies mostly to cases where it may be, practically speaking, difficult for companies to comply with specific paragraphs of the ISM Code for certain categories of ships exclusively engaged on domestic voyages. Derogations must be notified.

Lastly, the Common Position incorporates a number of mainly technical modifications, which are necessary in order to bring the text in line with existing Community legislation.