

| Basic information   |                     |
|---|---------------------|
| <b>1995/0163(SYN)</b>   | Procedure completed |
| SYN - Cooperation procedure (historic)  |                     |
| Marine equipment  |                     |
| Repealed by <a href="#">2012/0358(COD)</a><br>Amended by <a href="#">2000/0237(COD)</a>   |                     |
| <b>Subject</b>  |                     |
| 3.20.03.01 Maritime safety<br>3.20.15.06 Maritime or inland transport agreements and cooperation<br>3.70.05 Marine and coastal pollution, pollution from ships, oil pollution |                     |

| Key players                   |  |   |            |
|-------------------------------|--|---|------------|
| European Parliament           | Committee responsible  | Rapporteur                                    | Appointed  |
|                               | <b>TRAN</b> Transport and Tourism                              | KAKLAMANIS Nikitas (UPE)                      | 26/09/1995 |
|                               | Former committee responsible                                   | Former rapporteur                             | Appointed  |
|                               | <b>TRAN</b> Transport and Tourism                              | KAKLAMANIS Nikitas (UPE)                      | 26/09/1995 |
|                               | Former committee for opinion                                   | Former rapporteur for opinion                 | Appointed  |
|                               | <b>ECON</b> Economic and Monetary Affairs, Industrial Policy   |   |            |
|                               | <b>JURI</b> Legal Affairs, Citizens' Rights                    | PELTTARI Seppo Viljo (ELDR)                   | 24/05/1995 |
|                               | <b>ENVI</b> Environment, Public Health and Consumer Protection | The committee decided not to give an opinion. |            |
|                               | Council configuration  | Meetings                                      | Date       |
|                               | Transport, Telecommunications and Energy                       | 1937  | 1996-06-18 |
| Council of the European Union |  | 1893  | 1995-12-07 |
|                               |  | 1983  | 1996-12-20 |

| Key events |  |  |  |
|------------|--|--|--|
|            |  |  |  |

| Date       | Event   | Reference  | Summary |
|------------|---|--|---------|
| 17/01/1995 | Additional information  |  | Summary |
| 21/06/1995 | Legislative proposal published                                  | COM(1995)0269  | Summary |
| 18/09/1995 | Committee referral announced in Parliament                      |  |         |
| 20/11/1995 | Vote in committee   |  | Summary |
| 20/11/1995 | Committee report tabled for plenary, 1st reading/single reading | A4-0291/1995   |         |
| 28/11/1995 | Debate in Parliament  |                   | Summary |
| 13/02/1996 | Modified legislative proposal published                         | COM(1996)0047  | Summary |
| 18/06/1996 | Council position published                                      | 05496/2/1996   | Summary |
| 18/07/1996 | Committee referral announced in Parliament, 2nd reading         |  |         |
| 01/10/1996 | Vote in committee, 2nd reading                                  |  | Summary |
| 01/10/1996 | Committee recommendation tabled for plenary, 2nd reading        | A4-0294/1996   |         |
| 23/10/1996 | Debate in Parliament  |                   | Summary |
| 04/12/1996 | Modified legislative proposal published                         | COM(1996)0628<br> |         |
| 20/12/1996 | Act adopted by Council after consultation of Parliament         |  |         |
| 20/12/1996 | End of procedure in Parliament                                  |  |         |
| 17/02/1997 | Final act published in Official Journal                         |  |         |

| Technical information      |   |
|----------------------------|---|
| Procedure reference        | 1995/0163(SYN)  |
| Procedure type             | SYN - Cooperation procedure (historic)  |
| Procedure subtype          | Legislation   |
| Amendments and repeals     | Repealed by <a href="#">2012/0358(COD)</a><br>Amended by <a href="#">2000/0237(COD)</a> |
| Legal basis                | EC before Amsterdam E 084   |
| Stage reached in procedure | Procedure completed   |
| Committee dossier          | TRAN/4/07974  |

| Documentation gateway   |           |   |            |         |
|---|-----------|---|------------|---------|
| European Parliament   |           |   |            |         |
| Document type   | Committee | Reference   | Date       | Summary |
| Committee report tabled for plenary, 1st reading/single reading |           | A4-0291/1995<br>OJ C 339 18.12.1995, p. 0004      | 20/11/1995 |         |
| Text adopted by Parliament, 1st reading/single reading          |           | T4-0576/1995<br>OJ C 339 18.12.1995, p. 0012-0021 | 29/11/1995 | Summary |
| Committee recommendation tabled for plenary, 2nd                |           | A4-0294/1996                                      |            |         |

|   |  |   |            |         |
|---|--|---|------------|---------|
| reading                                 |  | OJ C 347 18.11.1996, p. 0006                      | 01/10/1996 |         |
| Text adopted by Parliament, 2nd reading |  | T4-0532/1996<br>OJ C 347 18.11.1996, p. 0114-0142 | 24/10/1996 | Summary |

#### Council of the EU

| Document type    | Reference                                    | Date       | Summary |
|------------------|--|------------|---------|
| Council position | 05496/2/1996<br>OJ C 248 26.08.1996, p. 0010 | 18/06/1996 | Summary |

#### European Commission

| Document type                                  | Reference  | Date       | Summary |
|--|--|------------|---------|
| Legislative proposal                           | COM(1995)0269<br>OJ C 218 23.08.1995, p. 0009  | 21/06/1995 | Summary |
| Modified legislative proposal                  | COM(1996)0047<br>OJ C 101 03.04.1996, p. 0013  | 13/02/1996 | Summary |
| Commission communication on Council's position | SEC(1996)1228<br> | 15/07/1996 | Summary |
| Modified legislative proposal                  | COM(1996)0628<br> | 04/12/1996 |         |

#### Other institutions and bodies

| Institution/body | Document type                                  | Reference                                       | Date       | Summary |
|------------------|--|---|------------|---------|
| EESC             | Economic and Social Committee: opinion, report | CES0094/1996<br>OJ C 097 01.04.1996, p. 0022    | 31/01/1996 | Summary |
| EU               | Implementing legislative act                   | 32002L0075<br>OJ L 254 23.09.2002, p. 0001-0046 | 02/09/2002 | Summary |

| Additional information |          |      |  |
|------------------------|----------|------|--|
| Source                 | Document | Date |  |
| European Commission    | EUR-Lex  |      |  |

| Final act   |  |         |
|---|--|---------|
| Directive 1996/0098<br>OJ L 046 17.02.1997, p. 0025 |  | Summary |

## Marine equipment

1995/0163(SEN) - 13/02/1996 - Modified legislative proposal

The amended Commission proposal on marine equipment accepted without reservation the European Parliament amendment concerning the definition of 'New Ship', as meaning a Ship the keel of which is laid or which is at a similar stage of construction on or after the date of entry into force of the directive. The Commission also accepted the substance of the following amendments: - setting the principle that Member States have to undertake regular controls on the Notified Bodies; - stating the principle of independence of the Notified Bodies; - stating that discrimination has to be avoided for equipment produced in other states and not only Member States when carrying out trials of the equipment.

## Marine equipment

1995/0163(SEN) - 02/09/2002 - Implementing legislative act

COMMUNITY MEASURE: Commission Directive 2002/75/EC amending Council Directive 96/98/EC on marine equipment. CONTENT: for the purposes of Directive 96/98/EC, the international conventions, including the 1974 SOLAS Convention, and testing standards, together with their amendments, are those in force on 1 January 2001. Amendments to the SOLAS Convention and to other international conventions and new testing standards have entered into force since 1 January 2001 or will enter into force shortly. New rules regarding the equipment to be placed on board ships have been laid down by those instruments. Directive 96/98/EC should be amended accordingly. ENTRY INTO FORCE: 23/09/2002. DATE FOR TRANPOSITION: 23/03/2003

## Marine equipment

1995/0163(SEN) - 07/12/1995

The Council expressed political support for the proposal for a directive. It instructed the Permanent Representatives Committee to continue the examination of the proposal in the light of the European Parliament's and the Economic and Social Committee's opinions.

## Marine equipment

1995/0163(SEN) - 29/11/1995 - Text adopted by Parliament, 1st reading/single reading

Adopting the report by Mr Nikitas KAKLAMANIS (UPE, EL), the European Parliament adopted the proposal for a directive with the following amendments: - the application of international test methods and standards for marine equipment should be harmonized in order to guarantee a high and uniform level of safety (the Commission was called on to ensure that application was harmonized); - certain concepts were redefined: "EU ship" (ship registered in and flying the flag of a Member State), "new ship", "testing standard" (standards adopted by several organizations, to which the European Parliament has added the European Committee for Standardization, in order to define test methods and results); - the interim period during which equipment for which certificates have been issued by a Member State in compliance with international conventions can also be placed on the market and put on board was limited; - the independence (financial, administrative etc. ) of marine equipment inspection agencies acting on behalf of Member States should be guaranteed; - test procedures should apply both to equipment manufactured in the Community and equipment from third countries; - it should be possible to check the conformity of equipment at several notified bodies which comply both with EN 45 000 and other specific requirements depending on the type of equipment being evaluated.

## Marine equipment

1995/0163(SEN) - 21/06/1995 - Legislative proposal

The purpose of the proposal for a directive is to enhance safety at sea and prevent maritime pollution by improving the safety of maritime equipment. It seeks to harmonize the application of the relevant international testing standards, the relevant resolutions and circulars of the International Maritime Organization (IMO) and the relevant international testing standards, such as those defined by international standardization bodies. The provisions of the directive apply to equipment which, under international conventions, must be approved by national authorities and must be carried on board. This equipment can be divided into two categories: - equipment for which detailed testing standards already exist at international level (Annex A.1); - equipment for which there are as yet no such standards (Annex A.2), in which case detailed testing standards need to be established as quickly as possible. The directive authorizes equipment which complies with the requirements of international conventions and conformity evaluation procedures to be placed on board ships without trials or further assessment. Thanks to this authorization, this equipment can move freely within all Member States. The directive also requires bodies notified by national authorities for conformity evaluation work to satisfy common quality criteria before undertaking work on behalf of national authorities. Once the directive has entered into force, equipment approved in one Member State may be sold throughout the Community. Finally, equipment must bear a distinctive mark in order to ensure that it can be easily identified. Member States must recognize all equipment bearing such a mark, which guarantees that the equipment is meets the requirements of the directive and has a high level of safety.

## Marine equipment

1995/0163(SEN) - 31/01/1996 - Economic and Social Committee: opinion, report

The Committee strongly supports the underlying objectives of the proposal, namely: - to improve safety at sea; - to secure the harmonized application of testing standards within the EU; - to allow free movement of the approved equipment in all Member States, according to the standards and criteria laid down by the EU. However, the proposal appears geared more to the objective of removing obstacles to the free movement of goods, rather than the further enhancement of safety levels. The Committee supports the free movement of equipment and the harmonization of testing criteria as key

objectives for the automatic mutual recognition of equipment throughout the EU. It also endorses the provisions designed to ensure that the Commission ultimately coordinate Member States' action on the Community's behalf.

## Marine equipment

1995/0163(SEN) - 20/12/1996 - Final act

OBJECTIVE: The purpose of the directive is (a) to enhance safety at sea and the prevention of marine pollution through the uniform application on board Community ships of the conventions of the International Maritime Organization (IMO); and (b) to ensure the free movement of such equipment within the Community. COMMUNITY MEASURE: Council Directive 96/98/EC on marine equipment. SUBSTANCE: The directive will ensure the free movement of marine equipment within the Community as the Member States will not be able to prohibit equipment that complies with the directive being put on the Community market or on board. The directive authorizes the installation of this equipment on board ships without trials or further assessment. This will reduce the administrative and procedure costs borne by manufacturers in getting approval for the equipment. The equipment must bear a distinctive mark to show its conformity with the directive. The Member States must ensure that the notified bodies that assess the compliance of the equipment with testing standards are independent, efficient and professionally competent to carry out their tasks. The Member States may in certain cases take provisional measures to limit or prohibit the use of equipment bearing the mark of conformity. A simplified procedure must be followed for the amendment of the directive. ENTRY INTO FORCE: 17/02/1997 DEADLINE FOR TRANSPOSITION: 01/01/1999

## Marine equipment

1995/0163(SEN) - 18/06/1996 - Council position

The common position of the Council follows the amended proposal in all respects by incorporating Parliament's amendments on the definition of 'New Ship', 'Testing Standards' (mentioning CEN and CENELEC), notified bodies, and the need to avoid any discrimination against equipment produced in any state, and not only Member States, in equipment trials. However, the Council diverged from the original proposal by introducing some new provisions: - Objectives: safety certificates can be issued by a Member State or by an organization on its behalf; - Definitions: the definition of 'radio communication equipment' has been inserted in the text and the definition of 'ship' has been improved by explicitly saying that the directive will not apply to warships. The term 'Community ship' replaces the term 'EU Ship' throughout. Furthermore it has been made clear that the directive does not apply in those cases where a Member State issues certificates upon request of a non-Member State. Finally a reference to CEN and CENELEC has been introduced in the definition of 'testing standards'. - Scope: it is stated that the provisions of the directive will apply unless international Conventions permit otherwise. The directive excludes Directive 89/686/EEC on personal protective equipment as maritime equipment has more stringent standards than ordinary equipment. A derogation has been inserted for radiocommunication equipment. - Proof of conformity: the Council specifies the procedure to be followed when alternative standards are referred to in Annex A.1 of the directive for a piece of equipment. - Acceptance of equipment in conformity with the directive: it is clearly stated that the fact that the equipment bears the mark allows it to freely circulate in the Community and to be put on board. - Application for standardization for equipment listed in Annex A.2 (conformity assessment modules): a new procedure has been laid down to give the mandate to the standardization bodies. - Registration of non-Member State ships: the Member States must issue a certificate for the equipment concerned. In addition, radiocommunication equipment on board a ship transferred from a non-Member State must not unduly affect the requirements of the radio frequency spectrum. - Conformity assessment procedure: the Commission has been entrusted with the task of keeping and updating a list of the approved equipment and applications withdrawn or refused. - Checks carried out on the equipment: the Member States are exempted from paying for the sample checks provided for in the modules for conformity assessment. The flag administration can require the inspection/testing reports concerning the equipment from those, in the Community, who keep such documentation. - Technical innovation: a new provision has been inserted to clarify that radiocommunication equipment must not unduly affect the requirements of the radio frequency spectrum. - Equipment subject to tests: permission to carry on board a ship equipment that does not comply with the conformity assessment procedures, for reasons of testing or evaluating the equipment, must be limited in time. - Replacing equipment that does not conform: in the description of the procedure to be followed in case a piece of equipment has to be replaced in a port outside the Community, it is stated that if there is not a recognized organization equivalent to a notified body the documentation accompanying the equipment should be issued by a member state of IMO which is Party to the relevant conventions. - Commitology: the Council has opted in favour of the III(a) committee procedure (regulatory committee) for amendment of the directive. It should also be noted that the Council has made some technical changes to Annex A (detailed test standards) and Annex B (modules for assessing conformity). In Annex C (notified bodies), it is stated that the bodies must fulfil the requirements of the relevant EN 45000 series and be established within the Community.

## Marine equipment

1995/0163(SEN) - 18/06/1996

The Council adopted the common position. The text would then be referred to Parliament for a second reading, under the terms of the cooperation procedure.

## Marine equipment

1995/0163(SEN) - 15/07/1996 - Commission communication on Council's position

The Commission was satisfied with the text of the common position as it made it possible to achieve the desired objective. It also agreed with the choice of the IIIa committee procedure given the 'safety' aspects of the proposal and the precedents created by other directives in the field of maritime safety.

# Marine equipment

1995/0163(SEN) - 24/10/1996 - Text adopted by Parliament, 2nd reading

In adopting the report by Mr Nikitas KAKLAMANIS (RDE, G), Parliament amended the common position of the Council on a Directive on marine equipment. Parliament proposed inter alia: - that the Member States should ensure that the bodies which they appoint as notified bodies provide all the necessary guarantees of independence from the manufacturers or suppliers of the equipment which they are evaluating; - deletion of the exemption for radiocommunications equipment; - that the Commission be assisted by an advisory committee composed of the representatives of the Member States and chaired by the representative of the Commission.