Basic information

2000/0066(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Maritime safety: ship inspections and survey organisations, package Erika I Amending Directive 94/57/EC 1993/0518(SYN) Repealed by 2005/0237A(COD) **Subject** 3.20.03.01 Maritime safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	ORTUONDO LARREA Josu (V/ALE)	22/06/2001

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	ORTUONDO LARREA Josu (V/ALE)	19/04/2000
RETT Regional Policy, Transport and Tourism	ORTUONDO LARREA Josu (V/ALE)	19/04/2000

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	PIÉTRASANTA Yves (V/ALE)	25/05/2000
ENVI Environment, Public Health, Consumer Policy	VACHETTA Roseline (GUE/NGL)	23/05/2000

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2279	2000-06-26
Transport, Telecommunications and Energy	2395	2001-12-06

	Transport, Telecommunications and Energy	2374	2001-10-15
	Agriculture and Fisheries	2332	2001-02-26

European Commission	Commission DG	Commissioner
	Energy and Transport	

Key events

Date	Event	Reference	Summary
21/03/2000	Legislative proposal published	COM(2000)0142	Summary
03/05/2000	Committee referral announced in Parliament, 1st reading		
26/06/2000	Debate in Council		Summary
20/11/2000	Vote in committee, 1st reading		Summary
20/11/2000	Committee report tabled for plenary, 1st reading	A5-0342/2000	
30/11/2000	Decision by Parliament, 1st reading	T5-0534/2000	Summary
30/11/2000	Debate in Parliament		
13/12/2000	Modified legislative proposal published	COM(2000)0849	Summary
26/02/2001	Council position published	05178/1/2001	Summary
28/02/2001	Committee referral announced in Parliament, 2nd reading		
25/04/2001	Vote in committee, 2nd reading		Summary
25/04/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0144/2001	
15/05/2001	Debate in Parliament		
16/05/2001	Decision by Parliament, 2nd reading	T5-0261/2001	Summary
20/08/2001	Parliament's amendments rejected by Council		
18/09/2001	Formal meeting of Conciliation Committee		
15/10/2001	Debate in Council		
24/10/2001	Report tabled for plenary, 3rd reading	A5-0441/2001	
12/11/2001	Joint text approved by Conciliation Committee co-chairs	3656/2001	
13/11/2001	Final decision by Conciliation Committee		Summary
06/12/2001	Decision by Council, 3rd reading		
12/12/2001	Debate in Parliament		
13/12/2001	Decision by Parliament, 3rd reading	T5-0696/2001	Summary
19/12/2001	Final act signed		
19/12/2001	End of procedure in Parliament		
22/01/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2000/0066(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 94/57/EC 1993/0518(SYN) Repealed by 2005/0237A(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/14872

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0342/2000 OJ C 228 13.08.2001, p. 0005	20/11/2000	
Text adopted by Parliament, 1st reading/single reading		T5-0534/2000 OJ C 228 13.08.2001, p. 0017-0150	30/11/2000	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0144/2001	25/04/2001	
Text adopted by Parliament, 2nd reading		T5-0261/2001 OJ C 034 07.02.2002, p. 0166-0217 E	16/05/2001	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0441/2001	24/10/2001	
Text adopted by Parliament, 3rd reading		T5-0696/2001 OJ C 177 25.07.2002, p. 0212-0280 E	13/12/2001	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	05178/1/2001 OJ C 101 30.03.2001, p. 0001	26/02/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0142	21/03/2000	Summary
Document attached to the procedure	COM(2000)0603	27/09/2000	Summary

Modified legislative proposal	COM(2000)0849 OJ C 154 29.05.2001, p. 0051 E	13/12/2000	Summary
Commission communication on Council's position	SEC(2001)0343	27/02/2001	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2001)0338	14/06/2001	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0165/2000 OJ C 022 24.01.2001, p. 0019	20/09/2000	
EESC	Economic and Social Committee: opinion, report	CES1206/2000 OJ C 014 16.01.2001, p. 0022	19/10/2000	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3656/2001	12/11/2001	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2001/0105
OJ L 019 22.01.2002, p. 0009-0016 Summary

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 14/06/2001 - Commission opinion on Parliament's position at 2nd reading

Of the seven amendments introduced by Parliament to the Council's common position, the Commission can accept four: - the reference to arbitration; - the deletion of the word "minimum" in the revision clause in order not to limit the scope of the revision clause to minimum liability only but rather to take a wider approach and look at liability in the wide sense; - substituting the word "increase" for "alter"; - on the consultation between recognised organisations on technical standards but without the reference to IMO Resolution 847(20). This reference may be made in the article dealing with the responsibilities of flag state administrations, but not in an article dealing with the technical co-operation between recognised organisations. Amendments not accepted: - the words "authorised or engaged to" since this is impossible to apply without imposing unreasonable burdens; - the introduction of fixed minimum and maximum levels of liability for negligence. In view of the introduction of the revision clauses, the Commission is prepared to leave the setting of the specific maximum amount to the individual Member States in the framework of the agreements that the Member States will negotiate and conclude with the classification societies they wish to authorise to work on their behalf.

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 21/03/2000 - Legislative proposal

PURPOSE : to present a proposal for a Directive of the European Parliament and of the Council amending Council Directive 94/57/EC on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations. CONTENT : the proposed amendments to Council Directive 94/57/EC can be divided in two categories: the fine-tuning of the Community-wide recognition to be met by the recognised organisations, including controls and sanctions, and the more stringent requirements to be met by the recognised organisations. With regard to the fine-tuning of the Community-wide recognition of classification societies, this can be divided into sub-categories such as: - the granting of

the recognition which will seek to ensure that compliance with the provisions of the Directive by the organisations seeking recognition as well as their good record of safety and pollution performance are assessed in a centralised and harmonised manner; - the suspension of the recognition by the Commission on the basis of the comitology procedure; - the withdrawal of the recognition by the Commission on the basis of the comitology procedure; - a positive side effect of the proposed amendments: the simplification and enhancement of the procedure for monitoring the recognised organisations; - the liability of the classification societies. As far as the more stringent requirements to be met by the recognised organisations are concerned, the classification societies of the International Association of Classification Societies (IACS) have adopted and implemented a so-called "Transfer of Class (TOC) Agreement", aimed at avoiding the unacceptable practice of ships changing class in order to avoid carrying out the requested repairs ("class hopping"). It is felt necessary to make the main provisions of this Agreement compulsory at Community level, and therefore for all the organisations recognised on the basis of the Directive, whether they are members of the IACS or not. The relevant provisions of the TOC Agreement to be transposed into the Directive are those stating that the certificates of a ship changing class can be issued by the gaining organisation only after all overdue surveys, overdue recommendations, conditions of class, operating conditions or operating restrictions issued against the vessel by the losing classification society have been properly dealt with. Moreover, in order to enhance transparency, the recognised organisations shall disclose more information on their classed fleets, and on changes, suspensions and withdrawals of class. In an attempt to tighten the net around substandard ships, the recognised organisations are required to communicate to the Port State Control authorites all overdue surveys, overdue recommendations, conditions of class, operating conditions or operating restictions issued against a ship. In addition, it is also proposed that the recognised organisations will no longer be able to make use of non-exclusive surveyors to carry out statutory tasks. The exclusive surveyors shall only be authorised to operate onboard those types of ships of which they have an extensive knowledge. The new requirements aim to strengthen the working procedures of the classification societies in order to enhance their quality performance and, in turn, maritime safety and pollution in general. The proper implementation of these rules will be monitored by the Commission and the Member States in the framework of the inspections of the recognised organisations to be carried out on the basis of the Directive.

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 27/02/2001 - Commission communication on Council's position

The Commission is of the opinion that the substance of the common position is acceptable, since it respects the basic principles of the original proposal and provides considerable added value by its clarifications and additional provisions. Furthermore, the substance of the amendments adopted by the European Parliament in its first reading and incorporated in the Commission amended proposal have been duly taken into account in the common position.

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 27/09/2000 - Document attached to the procedure

This present report from the Commission for the Biarritz European Coucil outlines the Community strategy for safety at sea. The Feira European Council of 19-20 June 2000 welcomed the Commission's intention to deliver a report on the overall strategy concerning the safey of transport at sea to enable a decision to be taken before the end of the year. Following the sinking of the oil tanker, Erika, on 12 December 1999, the Commission responded quickly to the calls from the European Parliament and the Council to tighten significantly the rules governing safety at sea at the Community level by adopting a "communication on the safety of oil transport by sea" on 21 March 2000. The communication describes an overall strategy that includes a certain number of practical short and medium-term activiites to prevent such accidents from ever happening again. The three proposed legislative measures adopted by the Commission after the Erika disaster are currently being discussed within the European Parliament and the Council. The three proposals relate in particular to: - amending the existing Directive on the inspection of ships by the Port State in order to make the checks in ports more stringent; - amending the existing Directive with regard to classification societies for which Member States delegate a major proportion of their inspection powers; - banning single-hull oil tankers in line with a timetable similar to that set by the United States. Progress has been made on the three proposals, however, substantial work still has to be done before the Nice European Council in December. Furthermore, beyond the proposed short-term actions set out in the communication, the Commission has announced further action to provide long-term protection of European waters against the risk of accidents and pollution of the seas. The Commission intends to propose that a European fund to compensate for damage caused by pollution be set up which would provide top-up compensation for victims where the ceilings set by the Conventions are exceeded. In addition, the Commission is contemplating the setting-up of a specific structure which might take the form of a "European Agency for Maritime Safety". Finally, as announced in the Commission's communication of 21 March, the proposals concerning the safety of traffic at sea and the European structure will be finalised at the end of the year and will be immediately followed by a proposal on liability. All of these forms of action together, including the first package of short-term measures, make up a coherent whole which should significantly improve maritime safety in the waters and the ports of the European Union.

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 26/02/2001 - Council position

The Council agreed with the general thrust of the Commission proposal for the strengthening and harmonisation of the Community regime concerning recognised organisations. The Council sought in particular to maintain and strengthen this thrust of the proposal while adhering to the scope of the directive and taking into account the principle of subsidiarity, to facilitate its application in practice, to respect the international obligations of the Community and to enhance transparency. The Council made the following adjustments to the Commission proposal, which essentially concern the provisions on financial liability: - the Council agreed with the Commission proposal that for gross negligence and wilful act or omission the liability of the recognised organisations should be unlimited. However, the Council strengthened the liability regime concerning negligent or reckless act or omission. The Council agreed that in such cases of less severe negligence the Member States could limit the liability of the organisations. Nevertheless, in the spirit of making the parties involved in maritime transport better accountable, the Council found appropriate to establish at Community level a minimum

level for such a possible ceiling, i.e. EUR 5 million for death or personal injury and EUR 2.5 million for damaged property; - concerning the liability for special, indirect or consequential losses or damages and the defences for the personnel of the recognised organisations, the Council felt that it would be premature to legislate in such detail at Community level. It is considered preferable to leave these existing national rules on liability, subject however to possible future proposals by the Commission in the framework of the overall evaluation of the functioning of the liability regime; - recognising that this Directive would for the first time introduce Community rules for the liability of recognised organisationd, the common position includes two elements for a possible revision of these rules, which build upon the amendments by the European Parliament: - the Committee procedure may be used to increase the minimum limits of financial liability, if said amounts were to be found too low; - the Commission will monitor the functioning of the liability regime, submit a report to the European Parliament and the Council and propose amendments where necessary. The Council also made certain technical amendments aimed at increasing the technical and legal clarity of the text, facilitating the application, improving transparency and taking account of the principle of subsidiarity. Furthermore, the Council departed from the opinion of the Parliament on certain amendments, thereby following the Commission. The reasons therefore were reasons of preserving legal clarity and, in the substance: - reasons of not widening the scope of the Directive; - reasons of avoiding a weakenig of the Directive; - reasons for respecting the Community's commitments within the framework international trade fora.

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 13/12/2000 - Modified legislative proposal

During its 29-30 November 2000 Plenary Session, the European Parliament approved, subject to a number of amendments, the Commission's proposal for a Directive of the European Parliament and of the Council amending Council Directive 94/57/EC on common rules and standards for ship inspection and survey organisatons and for the relevant activities of the maritime administrations. The Parliament supports the Commission's initiative to ensure stricter surveillance over classification societies, and to introduce more stringent qualititative criteria any classification society will have to meet in order to obtain EU recognition or to maintain such recognition. This contributes to the strengthening of the present system of Community-wide recognition of classification societies to be authorised to work on behalf of Member States and thereby improves further maritime safety. The Commission is prepared to incorporate these suggestions and amendments which risk confusing the application of the Directive by changing established maritime terminology. The Commission cannot accept a broadening of the scope of the directive to include non-statutory work. Inspections and/or certification work undertakn by a classification society on behalf of a Flag State is the subject of this Directive, which is distinct from commercial work undertaken on behalf of private parties. For these reasons the Commission cannot accept amendments relating to: - the changing of the word 'Community' into 'Union' and, to change the word 'authorise'; - broadening the scope of the Directive to cover also work related to classification certificates; - taking away the obligation for Member States as Flag States to carry out their own assessment of the recognised organisations they have authorised to work on their behalf, in relation to the flagged fleet; - the exact time (24hrs) a classification society must await consultation with the flag State on whose behalf they are working; - the certification of Recognised Organisations who's head office is located outside the EU; - the shipowner /operator; - obliging the Committee set up under the Directive to consult with organisations they are to monitor on an annual basis; - the withdrawal of recognition; - inspection procedures. The Commission does, however subject to some re-drafting, agree with the European Parliament on the need for further transparency and right of information, and on the clarification in relation to requests for recognition of organisations (classification societies), also in relation to limited recognition. In addition, the Commission accepts the arguments to introduce the possibility to revise amounts related to limited liability and, subject to some re-drafting, the amendments relating to impartiality of classification societies and their exclusive surveyors.

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 19/12/2001 - Final act

PURPOSE : to strengthen and harmonise rules on survey organisations and ship inspections. COMMUNITY MEASURE : Directive 2001/105/EC amending Council Directive 94/57/EC on common rules and standards for ship inspections and survey organisations and for the relevant activities of maritime administrations. CONTENT : In accordance with the joint text approved by the Conciliation Committee on 13/11/01, the Council adopted the amendment to Directive 94/57/EC concerning safety and pollution prevention at sea. Its purpose is to strengthen and harmonise the Community regime concerning authorised bodies, while simplifying the monitoring and reporting obligations imposed on Member States. The main provisions are as follows: - in addition to the authority of Member States to suspend the authorisation of an organisation working on their behalf, a similar authority applies at Community level, the Commission being allowed, on the basis of the Committee procedure, to suspend the recognition of an organisation for a limited period of time where its safety and pollution performance is worsening and it fails to take appropriate corrective measures. - the decision to withdraw the recognition of an organisation which fails to fulfil the provisions in the Directive is to be taken by the Commission, on the basis of the Committee procedure. - the Directive brings about harmonisation at Community level of the liability arising out of any incident caused by a recognised organisation, as decided by a court. In cases of death or personal injury, the Member States may limit the maximum amount payable by the recognised organisation, which must be at least equal to EUR 4 million. In cases of loss or damage to property, the Member States may set a limit to the maximum payable, provided it is at least equal to EUR 2 million. By 22/07/06, the Commission must submit a report evaluating the economic impact of the liability regime, and its consequences for the financial equilibrium of recognised organisations. In the light of this evaluation, the Commission may submit proposals for the amendment of this Directive with more specific reference to the principle of liability and the maximum liabilities. - the recognised organisations must provide all relevant statutory information on the conditions of the ships in their class to the port State control authorities and make it publicly available. - to prevent ships from changing class in order to avoid carrying out repairs, the recognised organisations must exchange information on the conditions of ships changing class. - when submitting their request for recognition, classification societies and their surveyors must give a written undertaking on an individual basis not to accept statutory work where there is a likelihood of conflict of interest, i.e. where there is identity with the owner or operator of a ship to be inspected or there are business, personal or family links to the owner or o operator of a ship. - the qualitative criteria to be met by the technical organisations in order to be recognised at Community level and to maintain such recognition must include provisions to ensure that only exclusive surveyors can carry out the inspections and surveys required by international conventions, i.e. statutory tasks related to the issue of the relevant safety certificates.those organisations must have tight control over all their personnel or offices, and establish their own safety targets and indicators. DATE OF TRANSPOSITION : 22/07/03 ENTRY INTO FORCE : 22/01/01.

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 26/06/2000

Pending the institutional procedures under way (Opinion of the Economic and Social Committee and the Committee of the Regions, codecision procedure with the European Parliament), the Council noted that there was broad agreement on the draft Directive on ship inspection organisation. The draft Directive aims at strengthening and harmonising the quality of the ship inspection ad survey organisations undertaking tasks for the Member States ("classification societies"). Under the terms of these conclusions, the Council: - reaffirms its resolve to pursue and step up a maritime safety policy at international, Community and national level to reduce the risk of accidents, thus avoiding loss of human life and preventing pollution of marine environment; - recognises that acceptance, by any part of the shipping industry, of substandard practices affects protection of people and the environment, vessel safety and fair competition and that the elimination of such practices will be beneficial for all parties involved and help bring about a universal culture of safety and quality; - calls on the Member States to evaluate the situation and, where necessary, to tailor human resources and means required to the various tasks to be carried out by them and to introduce a quality management system; - points out the need to develop exchanges of experience between the Member States on organisational matters and working methods in particular by a better coordination of the activities of Vessel Traffic Services, with a view to establishing improved procedures and requirement levels; - supports the development and extension of the EQUASIS information system so as to bring greater transparency of information of the safety and quality of merchant vessels worldwide; - realising that the improvement of maritime safety requires fully qualified crews and good shipboard working conditions; - considers that special heed should be paid to seaborne trade of oil and other hazardous substances. The Council also urges the Member States, bearing in mind the importance of involving non-EU countries as well, strongly to support work under way within the IMO that should result in a quick and adequate revision of Annex I to the MARPOL Convention so as to eliminate the risk of shipping in single-hull oil tankers. In addition, the Council calls on the Commission and the Member States to pursue the objective of increasing the ceiling for compensation per accident laid down by the International Fund for Compensation for Oil Pollution Damage (IOPCF) with a view, in particular, to providing better coverage for damage to the environment, and to work for that purpose with non-EU countries as well. The Council requests the Commission to consider developing, when appropriate, a European database on accidents and incidents at sea. In conclusion, it points out that pursuit of maritime safety policy depends on proper, effective application of existing legislation, including general Community measures on health and working conditions applicable to the maritime sector. It reiterates the aim of maintaining and promoting seafaring occupations in Europe, by means of increased interest in suchwork on the part of young Europeans and appropriate job training. To this end it calls on the Commission to submit a communication on the recruitment and training of seafarers, bearing in mind in particular the suggestion made by the social partners.

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 30/11/2000 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr José ORTUONDO LARREA (Greens/EFA, E). This report was subject to various amendments which mirror those which were outlined in the decision of the committee responsible. (Refer to the previous document).

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 13/12/2001 - Text adopted by Parliament, 3rd reading

The European Parliament adopted the resolution drafted by Josu ORTUONDO LARREA (Greens/EFA, E) approved by the Conciliation Committee. (Please refer to the previous text). To recall, Parliament's amendments proposed a maximum of EUR 4 million to EUR 7 million in the case of personal injury or death and EUR 2 million to EUR 4 million in case of material damage. Over and above these ceilings, Parliament originally took the view that administrations should not attempt to recover further sums from the survey organisations. In conciliation it was agreed that the Commission would consider this issue and submit proposals amending the Directive with more specific reference to the principle of liability and the maximum liabilities.

Maritime safety: ship inspections and survey organisations, package Erika I

2000/0066(COD) - 16/05/2001 - Text adopted by Parliament, 2nd reading

The European Parliament approved the report by Mr Josu ORTUONDA LARREA (Greens/EFA, E) on the common position with amendments relating to the financial liability of classification societies, the organisations responsible for issuing seaworthiness certificates. (Please refer to the previous document).