Basic information

2003/0291(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Implementation of the International Safety Management Code within the Community Repealing Regulation (EC) No 3051/95 1995/0028(SYN) **Subject** 3.20.03 Maritime transport: passengers and freight 3.20.03.01 Maritime safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	COSTA Paolo (ALDE)	06/09/2005

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	COSTA Paolo (ELDR)	17/02/2004

Former committee for opinion	Former rapporteur for opinion	Appointed
ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2629	2004-12-09
Agriculture and Fisheries	2676	2005-07-18

European Commission

Commission DG	Commissioner
Energy and Transport	

Key events

Date	Event	Reference	Summary
		COM(2003)0767	Summary

11/12/2003	Legislative proposal published		
15/12/2003	Committee referral announced in Parliament, 1st reading		
17/02/2004	Vote in committee, 1st reading		Summary
17/02/2004	Committee report tabled for plenary, 1st reading	A5-0074/2004	
10/03/2004	Decision by Parliament, 1st reading	T5-0156/2004	Summary
10/03/2004	Results of vote in Parliament		
18/07/2005	Council position published	06919/1/2005	Summary
08/09/2005	Committee referral announced in Parliament, 2nd reading		
14/11/2005	Vote in committee, 2nd reading		Summary
17/11/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0325/2005	
13/12/2005	Decision by Parliament, 2nd reading	T6-0494/2005	Summary
13/12/2005	Results of vote in Parliament		
15/02/2006	Final act signed		
15/02/2006	End of procedure in Parliament		
04/03/2006	Final act published in Official Journal		

Technical information

Procedure reference	2003/0291(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 3051/95 1995/0028(SYN)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/30117

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0074/2004	17/02/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0156/2004 OJ C 102 28.04.2004, p. 0517-0565 E	10/03/2004	Summary
Committee recommendation tabled for plenary, 2nd reading		A6-0325/2005	17/11/2005	
Text adopted by Parliament, 2nd reading		T6-0494/2005	13/12/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	06919/1/2005 OJ C 264 25.10.2005, p. 0028-0059	18/07/2005	Summary
Draft final act	03601/2006	15/02/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0767	11/12/2003	Summary
Commission communication on Council's position	COM(2005)0379	23/08/2005	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0953/2004 OJ C 302 07.12.2004, p. 0023-0026	30/06/2004	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2006/0336
OJ L 064 04.03.2006, p. 0001-0036 Summary

Implementation of the International Safety Management Code within the Community

2003/0291(COD) - 15/02/2006 - Final act

PURPOSE: to enhance the safety management, operation and pollution prevention of ships flying the flag of a Member Sate.

LEGISLATIVE ACT: Regulation 336/2006/EC of the European Parliament and of the Council on the implementation of the International Safety Management Code within the Community and repealing Council Regulation 3051/95/EC.

CONTENT: the Regulation has as its objective the safe management and operation of ships at sea as well as the prevention of pollution from ships. For these objectives to be realised the Regulation specifies that companies operating ships listed in the Regulation must comply with the “International Management Code for the Safe Operation of Ships and for Pollution Prevention Control”, otherwise referred to as the ISM Code. In applying the code companies will be obliged to establish, implement and guarantee proper maintenance of the shipboard and shore-based safety management systems. Flag and port State control administrations will need to complement these measures by controlling the Regulation’s application.

The Regulation specifies and establishes a number of definitions relating to the application of the Regulation's provisions. They include, *inter alia*, the following terms: ISM Code, recognised organisation, company, passenger ship, passenger, high speed craft, cargo ship, international voyage, domestic voyage, regular shipping service, ro-ro passenger ferry, passenger submersible craft, mobile offshore drilling unit and gross tonnage. As far the Regulation's scope is concerned it is stated that the provisions set out in the Regulation will only apply to:

- cargo ships and passenger ships, flying the flag of a Member State, engaged on international voyages;
- cargo ships and passenger ships engaged exclusively and domestic voyages, regardless of their flag;
- cargo ships and passenger ships operating to or from ports of the Member States, on a regular shipping service, regardless of their flag; and
- mobile offshore drilling units operating under the authority of a Member State.

The Regulation does not apply to the following category of ships: ships of war and troopships, ships not propelled by mechanical means such as wooden ships, fishing vessels, cargo ships and mobile offshore drilling units of less than 500 gross tonnage, passenger ships and lastly other ro-ro passenger ferries operating in sea areas of Class C and D.

Safety management requirements and certification/verification must be done in accordance with provisions spelt out in the ISM Code. There are derogations foreseen and Member States, who consider it too difficult for companies to comply with the provisions of this Regulation may wholly or partly derogate. This, however, is conditional upon those measures having equivalent achievement to those of the ISM Code. In cases where a Member State wishes to derogate from the Regulation is must inform the Commission.

In other specifications: the Document of Compliance will be valid for up to five years from the date of its issue. Member States are responsible for laying down the rules on penalties applicable to infringements, the Commission will report every two years on the Regulation's implementation and lastly, any amendments to the ISM Code may be excluded from the scope of this Regulation. In adopting this Regulation, Regulation 3051/95 is repealed with effect form 24 March 2006.

ENTRY INTO FORCE: 24 March 2006. As concerns cargo and passenger ships, which are not already required to comply with the ISM Code, this Regulation shall apply as from 24 March 2008.

Implementation of the International Safety Management Code within the Community

2003/0291(COD) - 10/03/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report drafted by Paolo COSTA (ELDR, I), and approved the Commission's proposal.

Implementation of the International Safety Management Code within the Community

2003/0291(COD) - 23/08/2005 - Commission communication on Council's position

Although the European Parliament adopted the proposal without report and without amendments, the Council nevertheless made a number of changes. Given that those changes neither alter the aims nor the spirit of the proposal, the Commission accepts the Common Position as it stands.

Implementation of the International Safety Management Code within the Community

2003/0291(COD) - 13/12/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Paolo **COSTA** (ADLE, IT), and approved the Council's common position

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.

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.