Basic information

2011/0243(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Maritime safety: accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers. Recast Repealing Regulation (EC) No 417/2002 2000/0067(COD) **Subject** 3.20.03.01 Maritime safety 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	RIQUET Dominique (PPE)	11/10/2011
	Shadow rapporteur FLECKENSTEIN Knut (S&D) UGGIAS Giommaria (ALDE) TAYLOR Keith (Verts/ALE) VAN DALEN Peter (ECR) TOUSSAS Georgios (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs	LÓPEZ-ISTÚRIZ WHITE Antonio (PPE)	29/09/2011

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3172	2012-06-07
Transport, Telecommunications and Energy	3134	2011-12-12

European Commission

Commission DG	Commissioner
Legal Service	BARROSO José Manuel

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
23/09/2011	Legislative proposal published	COM(2011)0566	Summary
29/09/2011	Committee referral announced in Parliament, 1st reading		
12/12/2011	Debate in Council		Summary
06/02/2012	Vote in committee, 1st reading		
08/02/2012	Committee report tabled for plenary, 1st reading	A7-0034/2012	Summary
23/05/2012	Decision by Parliament, 1st reading	T7-0215/2012	Summary
23/05/2012	Results of vote in Parliament		
07/06/2012	Act adopted by Council after Parliament's 1st reading		
12/06/2012	End of procedure in Parliament		
13/06/2012	Final act signed		
30/06/2012	Final act published in Official Journal		

Technical information

Procedure reference	2011/0243(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 417/2002 2000/0067(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/06976

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE475.949	24/11/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0034/2012	08/02/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0215/2012	23/05/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00018/2012/LEX	13/06/2012	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0566	23/09/2011	Summary
Commission response to text adopted in plenary	SP(2012)488	27/06/2012	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0566	25/11/2011	
Contribution	IT_SENATE	COM(2011)0566	20/03/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2012/0530
OJ L 172 30.06.2012, p. 0003 Summary

Maritime safety: accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers. Recast

2011/0243(COD) - 23/09/2011 - Legislative proposal

PURPOSE: to recast Regulation (EC) No 417/2002 of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

LEGAL BASIS: Article 100(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the codification of Regulation (EC) No 417/2002 of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers and repealing Council Regulation (EC) No 2978/94has been initiated by the Commission. The new Regulation was to have superseded the various acts incorporated in it.

In the meantime the Lisbon Treaty entered into force. Article 290 of the Treaty on the Functioning of the European Union allows the legislator to delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act.

Regulation (EC) No 417/2002 contains a provision with regard to which such a delegation of power would be opportune. It is therefore appropriate to **transform the codification of Regulation (EC) No 417/2002 into a recast** in order to incorporate the necessary amendments.

BUDGETARY IMPLICATIONS: this proposal has no implications for the Union's budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Maritime safety: accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers. Recast

2011/0243(COD) - 12/12/2011

The Council agreed a **general approach** on a recast of the 2002 Regulation on the phasing-in of double-hull requirements for single-hull oil tankers. The recast improves clarity by bringing together in a single text the amendments made to the regulation over time; the only change to the rules currently in force concerns the procedure for updating the references in the regulation to the relevant regulations and resolutions adopted by the International Maritime Organisation (IMO).

The Council and the European Parliament will delegate to the Commission the power to align the numbering of those references with any renumbering of the IMO rules. This procedure, introduced by the Lisbon Treaty, is to replace the current one under which decisions on amendments to those references are taken by a committee composed of experts from both the Commission and the Member States.

The Council deemed it sufficient to limit the scope of possible amendments to renumbering **since single-hull oil tankers will be phased out in the near future** and it is therefore unlikely that the IMO will modify the content of the relevant rules.

The Regulation to be recast prohibits the transporting to or from EU ports of heavy grades of oil in single-hull oil tankers and lays down an accelerated phasing-in scheme for the application of the double-hull or equivalent design requirements of the International Convention for the Prevention of Pollution from Ships to single-hull oil tankers, with 2015 as the final deadline.

To recall, that Regulation was adopted in 2002 as a response to shipping accidents involving oil tankers and to the ensuing pollution of the Union's waters and coastlines. Its main objective is to enhance safety and to prevent pollution in maritime transport by making oil tankers safer.

The European Parliament, whose approval is also required for the adoption of the recast, has not yet determined its position.

Maritime safety: accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers. Recast

2011/0243(COD) - 08/02/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Dominique RIQUET (EPP, FR) on the proposal for a regulation of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (recast).

The committee recommends that the European Parliament's position, adopted at first reading under the ordinary legislative procedure, should take account of the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

The Consultative Working Party considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal. As regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

The amendments proposed by the Members concern the conditions as regards the **power conferred on the Commission to adopt delegated acts**: Members consider that the Commission should make **proper consultations** before it adopts a delegated act. Moreover, if Parliament delegates powers to the Commission it is important that it is kept suitably informed and that the relevant documents are provided.

Moreover, the delegation of power to the Commission should be limited in duration to a **period of five years, which may be renewed** provided certain conditions are met, such as a report being drawn up, and provided Parliament and the Council have no objections.

Lastly, it should be possible for the **period for lodging objections to a delegated act to be four months in total**. This would be more realistic in order to give Parliament and the Council the time to follow the required procedure for pursuing an objection.

Maritime safety: accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers. Recast

2011/0243(COD) - 23/05/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 656 votes to 4, with 15 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (recast).

Parliament adopted its position at first reading under the ordinary legislative procedure taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They concern the **power conferred on the Commission to adopt delegated acts**.

The amended text stresses that it is very unlikely that the IMO would modify the content of the relevant Regulations in MARPOL 73/78 and Resolutions MEPC 111(50) and 94(46) adopted by the MEPC referred to in this Regulation. However, non-substantial amendments, such as renumbering, could be introduced in those texts. In order to keep this Regulation updated with the most recent developments of relevant international law, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission only in respect of such amendments in so far as they do not broaden the scope of this Regulation.

The delegation of power to the Commission should be limited in duration to a **period of five years from the date of entry into force of this Regulation.** The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension.

It should be possible for the **period for lodging objections to a delegated act to be two months**. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

It is of particular importance that the Commission carry out **appropriate consultations** during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Maritime safety: accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers. Recast

2011/0243(COD) - 13/06/2012 - Final act

PURPOSE: to enhance safety and prevent pollution in maritime transport by making oil tankers safer.

LEGISLATIVE ACT: Regulation (EU) No 530/2012 of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers.

CONTENT: following agreement in first reading, the European Parliament and Council adopted a **recast of the 2002 Regulation on the phasing-in of double-hull requirements for single-hull oil tankers.** That Regulation was adopted in 2002 in response to shipping accidents involving oil tankers and the ensuing pollution of the Union's waters and coastlines.

Besides merging the past amendments to the Regulation into one text, the recast modifies the procedure for updating references in the Regulation to the relevant rules adopted within the International Maritime Organisation (IMO).

The Regulation:

- **prohibits the transporting** to or from EU ports of heavy grades of oil in single-hull oil tankers ;
- **lays down an accelerated phasing-in scheme** for the application of the double-hull or equivalent design requirements of the International Convention for the Prevention of Pollution from Ships to single-hull oil tankers, **with 2015 as the final deadline**.

The Regulation applies to oil tankers of **5 000 tonnes deadweight and above**: (a) which fly the flag of a Member State; (b) irrespective of their flag, which enter or leave a port or offshore terminal or anchor in an area under the jurisdiction of a Member State.

The Regulation does not apply to any warship, naval auxiliary or other ship, owned or operated by a State and used, for the time being, only on government non-commercial service.

ENTRY INTO FORCE: 20/07/2012.

DELEGATED ACTS: the Commission is empowered to adopt delegated acts to supplement or amend the Regulation. The power to adopt delegated acts is conferred on the Commission for a period of five years from 20 July 2012. This shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension. A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification (this period may be extended by two months). If objections are made by the European Parliament or the Council, the delegated act shall not enter into force.