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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.11.2008
COM(2008) 828 final

2005/0237 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**on common rules and standards for ship inspection and survey organizations and for the
relevant activities of maritime administrations**

**AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the
EC Treaty**

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on the European Parliament's amendments
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(Text with EEA relevance)

1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 34 amendments proposed by Parliament.

2. BACKGROUND

Date on which the proposal was sent to the European Parliament and to the Council 30 January 2006
(document COM(2005) 587 final – 2005/0237COD):

Date of the opinion of the European Economic and Social Committee: 13 September 2006

Date of the opinion of the Committee of the Regions: 15 June 2006

Date of the opinion of the European Parliament, first reading: 25 April 2007

Date of adoption of the common position: 6 June 2008

Date of the opinion of the European Parliament, second reading 24 September 2008

3. PURPOSE OF THE PROPOSAL

The aim of the proposal is to reform the current system for Community recognition of the bodies tasked by the Member States with inspecting and certifying ship safety under international agreements (classification societies), a system set up by Directive 94/57/EC (OJ L 319 of 12.12.1994, p. 20). The recasting technique is used for this fourth updating of this Directive.

More specifically, the aim of the proposal for recasting is to:

- (1) strengthen the systems for monitoring recognised organisations by setting up a certification body to certify the common but independent quality management systems of these organisations;
- (2) harmonise the current dual system of ordinary and limited recognition, which would mean henceforth recognition will be granted on the basis of the quality of service and the performance achieved by the organisations concerned, with the size of such organisations no longer a factor;
- (3) simplify and improve the structure of the Community recognition criteria, making them more stringent;
- (4) reform the system of penalties, which currently only provides for suspension or withdrawal of recognition; The aim of the proposal is to establish a system of more measured and more effective financial penalties, whilst retaining the scope for withdrawal for the most serious cases;
- (5) introduce mutual recognition of classification certificates between the recognised organisations (certificates of conformity with the technical rules internal to these bodies), in particular those governing marine equipment that are issued on the basis of equivalent technical standards;
- (6) clarify the scope and facilitate the application of certain provisions of the Directive.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission

The Commission accepts in full amendments 1, 14 to 17, 19 to 24, 33 and 34.

Amendments accepted in part

- The Commission accepts part a) of Amendment 8; but not part b), which restates Parliament's opinion in first reading, as the Commission considers the Common Position to provide a more appropriate text for the reasons given in its opinion of 11 June 2008¹.

Amendments accepted in principle:

- The Commission can accept **Amendments 10, 11 and 12** in principle, given that they incorporate elements from its proposal for a Directive on compliance with Flag State obligations; however, the definitions introduced by these amendments should only apply to the provisions concerning Flag State obligations.

¹ COM(2008) 370 final

The Commission notes that the Council achieved a political agreement concerning its proposal on a Directive on Flag State obligations. This political agreement concerns the subject matter of amendments 1, 10 to 12, 14 to 17, 19 to 24 and 33 and therefore renders these amendments no longer necessary within the perspective of the conciliation procedure.

4.2. Amendments rejected by the Commission

- The Commission rejects Amendments 2 to 7, 9, 13, 18 and 25 to 32, which restate Parliament's opinion in first reading, as the Commission considers the Common Position to provide a more appropriate text for the reasons stated in its opinion of 11 June 2008.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.