



# Procedure file

Basic information		
SYN - Cooperation procedure (historic)	<a href="#">1995/0163(SYN)</a>	Procedure completed
Marine equipment Amended by <a href="#">2000/0237(COD)</a> Repealed by <a href="#">2012/0358(COD)</a> Subject 3.20.03.01 Maritime safety 3.20.15.06 Maritime or inland transport agreements and cooperation 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		26/09/1995
		UPE <a href="#">KAKLAMANIS Nikitas</a>	
	Former committee responsible		26/09/1995
	<b>TRAN</b> Transport and Tourism		
		UPE <a href="#">KAKLAMANIS Nikitas</a>	
Council of the European Union	Former committee for opinion		
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy		
	<b>JURI</b> Legal Affairs, Citizens' Rights		24/05/1995
		ELDR <a href="#">PELTTARI Seppo Viljo</a>	
	<b>ENVI</b> Environment, Public Health and Consumer Protection	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Fisheries	<a href="#">1983</a>	20/12/1996
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1937</a>	18/06/1996
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1893</a>	07/12/1995

Key events			
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	<a href="#">A4-0291/1995</a>	

	reading/single reading		
28/11/1995	Debate in Parliament		Summary
29/11/1995	Decision by Parliament	T4-0576/1995	Summary
13/02/1996	Modified legislative proposal published	COM(1996)0047	Summary
18/06/1996	Council position published	<a href="#">05496/2/1996</a>	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	<a href="#">A4-0294/1996</a>	
23/10/1996	Debate in Parliament		Summary
24/10/1996	Decision by Parliament, 2nd reading	T4-0532/1996	Summary
04/12/1996	Modified legislative proposal published	COM(1996)0628	
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
	Amended by <a href="#">2000/0237(COD)</a> Repealed by <a href="#">2012/0358(COD)</a>
Legal basis	EC before Amsterdam E 084
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/07974

### Documentation gateway

Legislative proposal	<a href="#">COM(1995)0269</a> <a href="#">OJ C 218 23.08.1995, p. 0009</a>	21/06/1995	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0291/1995</a> <a href="#">OJ C 339 18.12.1995, p. 0004</a>	20/11/1995	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0576/1995 <a href="#">OJ C 339 18.12.1995, p. 0012-0021</a>	29/11/1995	EP	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0094/1996</a> <a href="#">OJ C 097 01.04.1996, p. 0022</a>	31/01/1996	ESC	Summary
Modified legislative proposal	COM(1996)0047 <a href="#">OJ C 101 03.04.1996, p. 0013</a>	13/02/1996	EC	Summary
Council position	<a href="#">05496/2/1996</a>	18/06/1996	CSL	Summary

		<a href="#">OJ C 248 26.08.1996, p. 0010</a>			
Commission communication on Council's position		SEC(1996)1228	15/07/1996	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A4-0294/1996</a> <a href="#">OJ C 347 18.11.1996, p. 0006</a>	01/10/1996	EP	
Text adopted by Parliament, 2nd reading		T4-0532/1996 <a href="#">OJ C 347 18.11.1996, p. 0114-0142</a>	24/10/1996	EP	Summary
Modified legislative proposal		COM(1996)0628	04/12/1996	EC	
Implementing legislative act		<a href="#">32002L0075</a> <a href="#">OJ L 254 23.09.2002, p. 0001-0046</a>	02/09/2002	EU	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Directive 1996/98](#)  
[OJ L 046 17.02.1997, p. 0025](#) Summary

## Marine equipment

PREVIOUS COMMUNITY LEGISLATION: The Commission communication "A common policy for safe seas" (COM(93)0066) is the basic document on this subject and was adopted by a resolution of the Council of 8 June 1993 entitled A common policy on safe seas (OJ C 271, 7.10.1993, p. 1). There have been a number of Community legislative acts in this area, beginning with Directive 79/116/EEC, of 21.12.1978, concerning minimum requirements for certain tankers entering or leaving Community ports (OJ L 33, 8.2.1979, p. 33), as amended by Directive 79/1034/EEC of 6 December 1979 (OJ L 315, 11.12.1979, p. 16); however, there are fewer acts concerning shipping equipment, as most of the rules and regulations on shipping were negotiated within the IMO (International Maritime Organization). The Community acknowledges the key role of this organization, plays an active part in it and draws up its own legislation only in exceptional cases, i.e. when the IMO is unable to propose solutions which meet the special requirements of the Community and when action is needed to ensure adequate standards on the Community's seas. PREVIOUS POSITION OF EP: The EP approves efforts to improve maritime safety and, in endorsing the 1993 Commission communication in its resolution of 11 March 1994 on a common policy on safe seas (OJ C 91, 28.3.1994, p. 301), emphasized the need for rigorous enforcement of standards, better inspections and improvements and extensions to technical standards. SITUATION IN THE MEMBER STATES: All the Member States have ratified the SOLAS Convention (the international convention of 1974 on the safety of lives at sea).

## Marine equipment

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 meets the requirements of the directive and has a high level of safety.?

## Marine equipment

Adopted was the draft report of Mr. Nikitas KAKLAMANIS (Gr, UPE) on the proposal for a Council Directive on marine equipment. But the rapporteur saw the greater part of his amendments rejected. Only a few of them finally got the support of the Committee on Transport and Tourism. The Committee did not wish to amend the main issues of the Commission's proposal. THE PROPOSAL FOR A DIRECTIVE This is the first piece of EU legislation in the field of maritime equipment. The proposal for a Directive has two objectives: on the one hand, to

introduce harmonised Community legislation on safety at sea and to prevent maritime pollution, insofar as these objectives depend on the proper functioning of equipment on board ships and, on the other, by means of this harmonization, to limit the obstacles to trade in marine equipment arising from existing differences in the arrangements governing such equipment in the Member States. CONCLUSIONS A large majority in the Committee did not follow its rapporteur and rejected his amendments 1-13, 15-18, 37, 21-22 and 27-32. In conclusion, the Committee could agree with the basic points of the Council proposal and therefore responded to the Council's request for a speedy adoption of the report.

## Marine equipment

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The rapporteur, Mr KAKLAMANIS, recommended a series of amendments that sought, inter alia, to guarantee the independence of the inspection agencies and to simplify the notification procedures. The Commissioner, Mr KINNOCK, stated that he agreed with Amendment No 3 and the principles set out in Amendments Nos 6, 7 and 9. However, Amendment No 8 was superfluous. For the same reason, he opposed Amendments Nos 1, 10 and 13, which were already covered by other articles of the Directive. He also rejected the definition in Amendment No 2 of an 'EU ship', which would restrict the scope of the act in question since an 'EU ship' was a ship for which safety certificates were issued by Member States pursuant to international conventions. The Commissioner opposed Amendment No 4 as it would do away with the interim period during which equipment for which a certificate had been issued by a Member State could be placed on the market and on board a ship. Amendment No 5 contradicted the guiding principle of the Directive, which was to impose international testing standards throughout the Community, and it was therefore incompatible with their harmonisation. Finally, Mr KINNOCK also rejected Amendments Nos 11, 12, 13, 14 and 15 for legal reasons or because they were inappropriate.

## Marine equipment

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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

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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

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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

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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. - Comitology: 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

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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

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The transport committee decided this morning to approve Council's common position on a directive on marine-equipment. Rapporteur Mr Nikitas KAKLAMANIS considered this directive as the first piece of EU legislation relating to the safety and effectiveness of marine equipment. The basic aim of the directive is twofold: to enhance the safety of vessels using EU ports and at the same time to promote the integration of the internal market by ensuring a high and uniform level of quality and suitability of equipment carried by those vessels. He has however retable amendments from first reading, in particular on protecting equipment safety checks via independent notified bodies, on radio communications equipment and on comitology. ?

## Marine equipment

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The rapporteur, Mr Kaklamanis (UPE, GR), again presented the amendments relating to the independence and status of notified bodies responsible for the inspection of marine vessels, the need for such bodies to have access to compatible radio communications equipment and the subject of comitology. Commissioner Kinnock declared that he would accept Amendment No 1, as this would prevent the needless application of a number of similar measures to the same type of radio communications equipment without necessarily compromising safety levels. On the other hand, he called on Parliament to re-examine Amendment No 2, which was superfluous in that it repeated the provisions of Annex C relating to notified bodies responsible for the inspection of marine vessels. Finally, he rejected Amendment No 3 on comitology, since all measures relating to maritime safety were drawn up by the regulatory committees.

## Marine equipment

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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. ?

## Marine equipment

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**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

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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 TRANSPOSITION: 23/03/2003