

## Measures on Safety at Sea

The Commission has proposed the creation of a single regulatory committee for dealing with maritime safety issues. It has brought forward a proposal for a Regulation on the establishment of a maritime safety committee and a proposal for a Directive amending existing Directives in order to take reference to such a committee.

The new proposals also aim at addressing a long-running legal problem in this area – i.e., the implementation gap between the entry into force of new international standards and their transposition into Community law.

The proposal for a Regulation establishes and outlines operating procedures for a committee on safe seas with a view to centralising the tasks of existing committees with jurisdiction in this area. The text also proposes amendments to existing Regulations on maritime safety.\*

At the same time, a proposal for a Directive amends in the same way the existing Directives on safety at sea to adapt them to the establishment of the new committee.

The two proposals also aim to facilitate the adaptation of existing EU rules to the constant evolution of international law on maritime safety. For this purpose, the Commission proposes, in respect of each reference to an international agreement, to delete reference to the date of adoption of the measure. Specifying the precise date of a version of an international instrument is not necessary and it would be sufficient to include reference to the version “in force”. This definition would therefore include the most recent amendments to an international text.

The mechanism proposed would therefore permit

Member States to apply the most recent international amendments. Since International rules are often technical in nature, they need to be modified frequently to take account of the rapid evolution of existing technologies. Similarly, Community legislation must be regularly adapted.

One of the problems with which the Commission is often confronted relates to the problem of deadlines. This is made more difficult by the fact that the frequent amendments to international rules and regulations enter rapidly into force. However, given the protracted nature of Community procedures, the updating of European regulations therefore generally occurs after the entry into force of amendments at the international level.

This situation presents several difficulties for the Member States, which are faced with the choice of either infringing Community law (by incorporating international amendments in their national legislation where the latter have not yet been adopted at Community level), or of breaking international law. The proposal now on the table, with its safety system, will be able to break this vicious circle. (MJ)



### Note

\* Regulations affected are Regulation 613/91, on the transfer of ships from one register to another within the Community; Regulation 2978/94 on the implementation of IMO (International Maritime Organisation) Resolution A. 747(18) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers; and Regulation 3051/95 on the safety management of roll-on/roll-off passenger ferries.