



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 November 2006

**Interinstitutional File:
2006/0046 (COD)**

12815/06

LIMITE

**MAR 88
ENV 511
CODEC 1042**

REPORT

From : Secretariat General of the Council
To : COREPER
No. Cion prop. : 8010/06 MAR 32 ENV 214 CODEC 301
Subject : **SHIPPING**

Proposal for a Regulation of the European Parliament and of the Council
amending Regulation (EC) No 417/2002 on the accelerated phasing-in of double-
hull or equivalent design requirements for single-hull oil tankers and repealing
Council Regulation (EC) No 2978/94

- *General approach*

1. Introduction

In May 2006, the Commission presented the above mentioned proposal which was discussed
at the meeting of the Shipping Working Party on 22 May 2006.

The aim of this proposal is to reflect the political agreement voiced in December 2003 at the International Maritime Organisation (IMO) by the Italian Presidency, on behalf of the Member States and the Commission, expressing the commitment of EU Member States to refrain from making use of the MARPOL's (International Convention for the Prevention of pollution by Ships) exemptions.

Hence, the Commission proposed an amendment to Regulation (EC) No 417/2002 to extend the scope of the Regulation by prohibiting the carriage of heavy grades of oil in all single-hull tankers flying the flag of a Member States irrespective of the jurisdiction governing the ports, offshore terminals or the maritime area in which they operate.

2. Work undertaken by the instances of the Council

Following the examination of the Commission proposal and the introduction of some changes, the text which appears in the Annex is acceptable to all delegations but to EL.

On the content of the proposal, the EL delegation voiced its firm opposition and announced a written statement explaining its position. EL considered that:

- the statement made by the Italian Presidency at IMO could not be binding as formally there was no mandate from the Council to back this statement,
- the adoption of such a proposal would entail considerable loss of jobs in the Greek shipping sector since several Greek oil tankers would have to change their flag.

3. Outstanding issues

The Council is waiting for the opinion of the European Parliament¹. In its draft report, the rapporteur, Mr Le Rachinel took into account the linguistic and editorial changes proposed by the Commission and proposed them as the sole amendment to be adopted by the European Parliament². While aware of the EL concern, the rapporteur was in favour of the Commission proposal considering that for sake of maritime safety it was important to adopt that proposal as quickly as possible.

On 1 August 2006, the Committee of the Regions informed the Council that it had decided not to draw up an opinion on the proposal. On 13 September 2006, the European Economic and Social Committee submitted its opinion on the proposal³.

4. Conclusion

COREPER is invited to take note of the text as set out in Annex so that the Council can achieve a general approach on the text at its session on 11/12 December 2006, pending the adoption of the EP's opinion.

¹ Expected to be adopted at the EP plenary in December.

² On 22 November 2006, the TRAN Committee voted the amendment.

³ Opinion TEN/251 CESE 1182/2006.

Proposta għal

REGOLAMENT TAL-PARLAMENT EWROPEW U TAL-KUNSILL

li jemenda r-Regolament (KE) Nru 417/2002 dwar id-dhul gradwali aċċellerat ta' htigiet ta' buq doppju jew ta' disinn ekwivalenti għal tankers taż-żejt b'buq wiehed u li jhassar ir-Regolament tal-Kunsill (KE) Nru 2978/94 (Test b'rilevanza għaž-ŻEE)

IL-PARLAMENT EWROPEW U L-KUNSILL TA' L-UNJONI EWROPEA,

Wara li kkunsidraw it-Trattat li jistabbilixxi l-Komunità Ewropea, u b'mod partikolari l-Artikolu 80(2) tiegħu,

Wara li kkunsidraw il-proposta mill-Kummissjoni¹,

Wara li kkunsidraw l-opinjoni tal-Kumitat Ekonomiku u Soċjali Ewropew²,

Wara li kkunsidraw l-opinjoni tal-Kumitat tar-Reġjuni³,

Filwaqt li jaġixxu skond il-proċedura stabbilita fl-Artikolu 251 tat-Trattat⁴,

Billi:

¹ ĠU C [...], [...], p. [...].

² ĠU C [...], [...], p. [...].

³ ĠU C [...], [...], p. [...].

⁴ ĠU C [...], [...], p. [...].

- (1) Ir-Regolament (KE) Nru 417/2002 tal-Parlament Ewropew u tal-Kunsill¹ jipprevedi d-dhul gradwali aċċelerat tal-htigiet ta' buq doppju jew ta' disinn ekwivalenti għat-tankers taż-żejt ta' buq wiehed stabbiliti fil-Konvenzjoni Internazzjonali għall-Prevenzjoni ta' Tniġġis minn Bastimenti, 1973, kif modifikata mill-Protokoll ta' l-1978 relatata magħha ("MARPOL 73/78") sabiex jitnaqqas ir-riskju ta' tniġġis aċċidentali taż-żejt fl-ibhra Ewropej.
- (2) Dan ir-Regolament introduċa miżuri li jipprojbixxu l-garr ta' tipi ta' żejt tqil f'tankers ta' buq wiehed minn jew lejn portijiet ta' l-Unjoni Ewropea.
- (3) Wara azzjoni ta' l-Istati Membri u tal-Kummissjoni fi hdan l-Organizzazzjoni Marittima Internazzjonali (IMO), din il-projbizzjoni giet imposta mad-dinja kollha permezz ta' emenda ta' l-Anness I għal MARPOL 73/78.
- (4) Il-paragrafi 5, 6 u 7 tar-Regolament 13H ta' dan l-Anness rigward il-projbizzjoni tal-garr ta' tipi ta' żejt tqil f'tankers ta' buq wiehed fihom xi eżenzjonijiet minn dan ir-Regolament. Id-dikjarazzjoni mill-Presidenza Taljana ta' l-Unjoni Ewropea, irregistrata fir-rapport uffiċjali tal-Kumitat dwar il-Protezzjoni ta' l-Ambjent Marittimu ta' l-IMO (MEPC 50), tesprimi impenn politiku li dawn l-eżenzjonijiet m'humiex ser jintużaw.
- (5) Taht ir-Regolament (KE) Nru 417/2002, vapur li jtajjar il-bandiera ta' Stat Membru jista' japplika l-eżenzjonijiet mir-Regolament 13H jekk huwa jopera barra mill-portijiet jew it-terminals fil-baħar taht ġurisdizzjoni Komunitarja u jibqa' konformi mar-Regolament (KE) Nru 417/2002.
- (6) Ir-Regolament (KE) Nru 417/2002 għandu għalhekk jiġi emendat kif mehtieg,

ADOTTAW DAN IR-REGOLAMENT:

¹ ĠU L 64, 7.3.2002, p. 1. Ir-Regolament kif l-aħħar emendat bir-Regolament tal-Kummissjoni (KE) Nru. 2172/2004 (ĠU L 371, 18.12.2004, p. 26).

Artikolu 1

Is-sentenza li ġejja tiddaħhal fil-bidu tal-paragrafu 3 fl-Artikolu 4 tar-Regolament (KE) Nru 417/2002:

“L-ebda tanker taż-żejt li jgħorr tipi ta' żejt tqil m'għandu jithalla jtajjar bandiera ta' Stat Membru, hlief jekk ikun tanker taż-żejt ta' żewġt ibwieq.”

Artikolu 2

Dan ir-Regolament għandu jidhol fis-seħh fl-għoxrin jum wara dak tal-publikazzjoni tiegħu fil-*Ġurnal Uffiċjali ta' l-Unjoni Ewropea*.

Dan ir-Regolament għandu jorbot fl-intier tiegħu u jkun direttament applikabbli fl-Istati Membri kollha.

Magħmul fi Brussel,

Għall-Parlament Ewropew
Il-President

Għall-Kunsill
Il-President