



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 June 2012

11689/12

MAR 91

"I/A" ITEM NOTE

from	General Secretariat
to:	COREPER/Council
No. Cion prop.:	10216/12 MAR 72
Subject:	Commission Directive ../.../EU of [...] amending Council Directive 96/98/EC on marine equipment

According to Article 17 of Council Directive 96/98/EC on marine equipment¹, the Directive may be amended inter alia to apply subsequent amendments of international instruments for the purposes of the Directive and to update Annex A, both by introducing new equipment and by transferring equipment from Annex A.2 to Annex A.1 and vice versa. Such amendments shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3) of the Directive.

A number of amendments to the international conventions and applicable testing standards have entered into force since the adoption of the last amending act to Directive 96/98/EC. Those amendments should be incorporated into that Directive.

¹ OJ L 46, 17.2.1997, p. 25.

In the same period, the International Maritime Organisation and the European standardization organisations have also adopted standards, including detailed testing standards, for a number of items of equipment which are listed in Annex A.2 to Directive 96/98/EC or which, albeit not listed, are considered relevant for the purpose of the said Directive. Therefore such items of equipment should be included in Annex A.1 or transferred from Annex A.2 to Annex A.1, as appropriate. Directive 96/98/EC should therefore be amended accordingly.

On 21 May 2012, the Council received a draft Commission Directive for scrutiny by the Council, in accordance with Article 5a of Decision 1999/468.

The Shipping Working Party was asked to submit any comments on this file by 19 June 2012. Delegations have not provided any indication that there is any reason to oppose the draft measures in question on the grounds described in Decision 1999/468, namely that they:

- exceed the implementing powers provided for in the basic instrument;
- are incompatible with the aim or content of the basic instrument; or
- do not respect the principles of subsidiarity or proportionality.

Coreper is therefore invited to approve this position and submit the file to Council for adoption of a Decision not to oppose the measures in question as an “A” item allowing the Commission to adopt the above draft Commission Directive.
