



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 19 March 2014
(OR. en)**

7912/14

MAR 53

"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Commission Regulation (EU) No .../.. of XXX laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) n° 391/2009 of the European Parliament and of the Council

1. Articles 6 and 7 of Regulation (EC) No 391/2009 empower the Commission to impose fines and periodic penalty payments on recognised organisations, as defined in Article 2 of that Regulation, or to withdraw their recognition, in order to ensure the enforcement of the criteria and obligations established under that Regulation with a clear view to removing any potential threat to safety or the environment. According to Article 14 of that Regulation, measures designed to amend non-essential elements of that Regulation by supplementing it relating to the implementation of Article 6 and, if appropriate, Article 7 shall be adopted in accordance with the regulatory procedure with scrutiny.
2. On 21 February 2014, the Council received a draft Commission Regulation laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) n° 391/2009 of the European Parliament and of the Council (doc. 6953/14).

3. Delegations were asked to submit any comments on this file by 14 March 2014. 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.
4. Following the above, COREPER is invited to approve this position and submit the file to Council for the adoption of a Decision not to oppose the measures in question as an "A" item allowing the Commission to adopt the above draft Regulation.
-