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INST 472	AGRILEG 215
JUR 577	IND 380
CODEC 2158	COMPET 830
TELECOM 439	MAP 20
DEVTEN 227	POLARM 5
EMPL 557	COARM 329
SOC 745	CSDP/PSDC 707
ENER 409	CFSP/PESC 1134
ENV 835	CONSOM 346
STATIS 75	SAN 441
ECOFIN 1154	JUSTCIV 304
DRS 60	AVIATION 158
EF 311	TRANS 595
MI 911	MAR 186
ENT 228	UD 305
CHIMIE 84	CLIMA 242

**'I/A' ITEM NOTE**

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From: Presidency

To: Permanent Representatives Committee (Part 2)/Council

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Subject: Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union

- General Approach
- Section XI "Mobility and Transport"

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## XI. MOBILITY AND TRANSPORT

102.[...]

### 103. Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road<sup>1</sup>

In order to adapt Directive 95/50/EC to scientific and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Directive, in particular to take account of amendments to Directive 2008/68/EC of the European Parliament and of the Council<sup>2</sup>. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 95/50/EC is amended as follows:

(1) Article 9a is replaced by the following:

*"Article 9a*

The Commission is empowered to adopt delegated acts in accordance with Article 9aa amending the Annexes in order to adapt them to scientific and technical progress in the fields covered by this Directive, in particular to take account of amendments to Directive 2008/68/EC of the European Parliament and of the Council\*.

\* Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).";

(2) the following Article 9aa is inserted:

*"Article 9aa*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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<sup>1</sup> OJ L 249, 17.10.1995, p. 35.

<sup>2</sup> Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

2. The power to adopt delegated acts referred to in Article 9a shall be conferred on the Commission for a **period of five years** [...] from [...] **the entry into force of this Regulation [...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 9a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 9a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) Article 9b is deleted.

**104. Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 meters in length and over<sup>3</sup>**

In order to adapt Directive 97/70/EC to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive in order to apply subsequent amendments to the Torremolinos Protocol. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

In order to ensure uniform conditions for the implementation of Directive 97/70/EC, implementing powers should be conferred on the Commission to adopt provisions for a harmonised interpretation of those provisions of the Annex to the Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties, as far as necessary to ensure their consistent implementation in the Union. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Accordingly, Directive 97/70/EC is amended as follows:

(1) Article 8 is replaced by the following:

*"Article 8*  
**Delegated and implementing acts**

1. The Commission is empowered to adopt delegated acts in accordance with Article 8a amending Articles 2, 3, 4, 6 and 7 and the Annexes in order to apply, for the purposes of this Directive, subsequent amendments to the Torremolinos Protocol.
2. The Commission may establish a harmonised interpretation of those provisions of the Annex to the Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties, as far as necessary to ensure their consistent implementation in the Union, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(2).

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<sup>3</sup> OJ L 34, 9.2.1998, p. 1.

3. The amendments to the international instrument referred to in Article 2(4) may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council\*.

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\* Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).";

(2) the following Article 8a is inserted:

*"Article 8a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for a **period of five years** [...] from [the entry into force of this **Regulation** [...]]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 8(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 8(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

(3) in Article 9, paragraph 3 is deleted.

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\* OJ L 123, 12.5.2016, p. 1.";

**105.[...]**

**106. Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers<sup>4</sup>**

In order to adapt Directive 2001/96/EC to the evolution of Union and international rules and to improve the applicable procedures, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive in respect of:

- certain definitions;
- the references to international conventions and codes and to IMO Resolutions and Circulars, the references to ISO standards and the references to Union instruments and the Annexes thereto;
- the procedures between bulk carriers and terminals;
- certain reporting obligations.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2001/96/EC is amended as follows:

(1) Article 14 is deleted;

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<sup>4</sup> OJ L 13, 16.1.2002, p. 9.

(2) Article 15 is replaced by the following:

*"Article 15*  
**Amendments**

1. The Commission is empowered to adopt delegated acts in accordance with Article 15a amending the definitions set out in points (1) to (6) and (15) to (18) of Article 3, the references to international conventions and codes and to IMO Resolutions and Circulars, the references to ISO standards and the references to Union instruments in order to bring them into line with international and Union instruments which have been adopted, amended or brought into force after the adoption of this Directive, provided that the scope of this Directive is not thereby broadened.

2. The Commission is empowered to adopt delegated acts in accordance with Article 15a amending Article 8 concerning the procedures between bulk carriers and terminals, the reporting obligations referred to in Article 11(2), and the Annexes, provided that such acts do not broaden the scope of this Directive.

3. The amendments to the international instruments referred to in Article 3 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002. "

[...]

(3) the following Article 15a is inserted:

*"Article 15a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for **a period of five years [...]**from[[...] **the entry into force of this Regulation [...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

### **107. Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC<sup>5</sup>**

In order to adapt Directive 2002/59/EC to the evolution of Union and international law and to the experience gained in its implementation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend:

- the references to Union and IMO instruments in that Directive, in order to bring them into line with provisions of Union or international law,
- certain definitions in that Directive, in order to bring them into line with other provisions of Union or international law;
- Annexes I, III and IV to that Directive in the light of technical progress and experience gained with that Directive.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>5</sup> OJ L 208, 5.8.2002, p. 10.



Accordingly, Directive 2002/59/EC is amended as follows:

(1) Article 27 is replaced by the following:

*"Article 27*  
**Amendments**

1. The Commission is empowered to adopt delegated acts in accordance with Article 27a amending references to Union and IMO instruments in this Directive and the definitions in Article 3 and the Annexes in order to bring them into line with provisions of Union or international law which have been adopted or amended or which have entered into force, in so far as such amendments do not broaden the scope of this Directive.
2. The Commission is empowered to adopt delegated acts in accordance with Article 27a amending Annexes I, III and IV **in order to adapt them to [...] technical progress and experience gained with this Directive**, in so far as such amendments do not broaden its scope.";

(2) the following Article 27a is inserted:

*"Article 27a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for **a period of five years [...]** from **[[...] the entry into force of this Regulation [...]]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 27 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 27 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) Article 28 is deleted.

**108. Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships<sup>6</sup>**

In order to update the list of Union acts referring to the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) in Regulation (EC) No 2099/2002, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Regulation to include a reference to the Union acts conferring powers on the COSS that have entered into force. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 2099/2002 is amended as follows:

(1) in Article 3, paragraph 3 is deleted;

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<sup>6</sup> OJ L 324, 29.11.2002, p. 1.

(2) Article 7 is replaced by the following:

*"Article 7*  
**Powers of COSS and amendments**

COSS shall exercise the powers conferred on it by virtue of the Union maritime legislation in force.

The Commission is empowered to adopt delegated acts in accordance with Article 7a amending Article 2(2) in order to include a reference to the Union acts conferring powers on COSS that have entered into force following the adoption of this Regulation.";

(3) the following Article 7a is inserted:

*"Article 7a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for **a period of five years** [...] from [...] **the entry into force of this Regulation[...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

### **109. Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships<sup>7</sup>**

In order to adapt Directive 2003/25/EC to technical progress, to developments at international level and to experience gained in its implementation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2003/25/EC is amended as follows:

(1) Article 10 is replaced by the following:

*"Article 10*

#### **Amendment of Annexes**

The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the Annexes in order to take account of developments at international level, in particular in the International Maritime Organisation (IMO), and to improve the effectiveness of this Directive in the light of experience and technical progress.";

(2) the following Article 10a is inserted:

*"Article 10a*

#### **Exercise of the delegation**

1. The power to adopt delegated acts referred to in Article 10 is conferred on the Commission subject to the conditions laid down in this Article.

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<sup>7</sup> OJ L 123, 17.5.2003, p. 22.

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for a **period of five years** [...] from [...] **the entry into force of this Regulation [...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 10 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 10 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) Article 11 is deleted.

**110. Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC<sup>8</sup>**

In order to adapt Directive 2003/59/EC to scientific and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2003/59/EC is amended as follows:

(1) Article 11 is replaced by the following:

*"Article 11*

**Adaptation to scientific and technical progress**

The Commission is empowered to adopt delegated acts in accordance with Article 11a amending Annexes I and II in order to adapt them to scientific and technical progress.";

(2) the following Article 11a is inserted:

*"Article 11a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for a **period of five years** [...] from [...] **the entry into force of this Regulation [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

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<sup>8</sup> OJ L 226, 10.9.2003, p. 4.

3. The delegation of power referred to in Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) Article 12 is deleted.

### **111.Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships<sup>9</sup>**

In order to further develop the control of harmful anti-fouling systems on ships, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:

- to amend the references to the AFS-Convention, the AFS-Certificate, the AFS-Declaration and the AFS-Statement of Compliance in Regulation (EC) No 782/2003;
- to amend the Annexes to that Regulation, including relevant IMO guidelines in relation to Article 11 of the AFS-Convention in order to take account of developments at international level and in particular in the International Maritime Organisation (IMO), or to improve the effectiveness of that Regulation in the light of experience.
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<sup>9</sup> OJ L 115, 9.5.2003, p. 1.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

**In order to ensure uniform conditions for the implementation of Regulation (EC) No 782/2003, implementing powers should be conferred on the Commission in order to establish harmonised survey and certification regime for certain ships. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

Accordingly, Regulation (EC) No 782/2003 is amended as follows:

(1) Article 6 is amended as follows:

(a) in paragraph 1 point (b) is replaced by the following: [...]

[...]

" (b) Ships of 24 metres or more in length, but less than 400 gross tonnage, excluding fixed or floating platforms, FSUs and FPSOs, shall carry an AFS-Declaration to demonstrate compliance with Articles 4 and 5.

[...]

[...]The Commission **may establish, by means of implementing acts, [...]** a harmonised survey and certification regime for the ships referred to in **this point [...]**, if necessary. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 9(2)."**

(b) paragraph 3 is deleted;

(2) in Article 7, the second paragraph is deleted;



(3) Article 8 is replaced by the following:

*"Article 8*  
**Amendments**

The Commission is empowered to adopt delegated acts in accordance with Article 8a amending the references to the AFS-Convention, the AFS-Certificate, the AFS-Declaration and the AFS-Statement of Compliance, and the Annexes to this Regulation, including relevant IMO guidelines in relation to Article 11 of the AFS-Convention in order to take account of developments at international level and in particular in the International Maritime Organisation (IMO), or to improve the effectiveness of this Regulation in the light of experience.";

(4) the following Article 8a is inserted:

*"Article 8a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in [...] Article 8 shall be conferred to the Commission for a **period of five years** [...] from [...] **the entry into force of this Regulation[...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in [...] Article 8 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to [...] Article 8 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

\* OJ L 123, 12.5.2016, p. 1.";

(5) in Article 9 paragraph 2 is replaced by the following: [...].

**“2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council\* shall apply.”**

\* Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

112.[...]

113. Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network<sup>10</sup>

[...]

**There is no need to empower the Commission to amend the Annexes to Directive 2004/54/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2004/54/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Directive 2004/54/EC is amended as follows:

(1) Article 16 is **deleted**; [...]

[...]

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<sup>10</sup> OJ L 167, 30.4.2004, p. 39.

([...]2) in Article 17, paragraph 3 is deleted.

**114. Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security<sup>11</sup>**

In order to adapt Regulation (EC) No 725/2004 to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Regulation in order to integrate the amendments to certain international instruments. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 725/2004 implementing powers should be conferred on the Commission in order to define harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of that Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 725/2004 is amended as follows:

(1) in Article 10, paragraphs 2 and 3 are replaced by the following:

"2. The Commission is empowered to adopt delegated acts in accordance with Article 10a amending this Regulation in order to integrate the amendments to the international instruments referred to in Article 2 in respect of ships operating domestic services and the port facilities serving them to which this Regulation applies, in so far as they constitute a technical update of the provisions of the SOLAS Convention and the ISPS Code.

Where, in the case of the measures referred to in previous subparagraph , imperative grounds of urgency so require, the procedure provided for in Article 10b shall apply to delegated acts adopted pursuant to this paragraph. The procedure for checking conformity established in paragraph 5 of this Article shall not apply in these cases.

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<sup>11</sup> OJ L 129, 29.4.2004, p. 6.

3. The Commission shall establish harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of this Regulation. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).";

(2) the following Articles 10a and 10b are inserted:

*"Article 10a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 10(2) shall be conferred on the Commission for **a period of five years** [...] from [...] **the entry into force of this Regulation [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 10(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 10(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

*Article 10b*  
**Urgency procedure**

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 10a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

(3) in Article 11, paragraphs 4 and 5 are deleted.

**115.Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators<sup>12</sup>**

In order to adapt Regulation (EC) No 785/2004 to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend certain values in that Regulation in the light of amendments to international agreements. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 785/2004 is amended as follows:

(1) in Article 6, paragraph 5 is replaced by the following:

"5. The Commission is empowered to adopt delegated acts in accordance with Article 8a amending the values referred to in paragraphs 1, 2 and 3 of this Article where amendments to the relevant international agreements make this necessary.";

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<sup>12</sup> OJ L 138, 30.4.2004, p. 1.

(2) in Article 7, paragraph 2 is replaced by the following:

"2. The Commission is empowered to adopt delegated acts in accordance with Article 8a amending the values referred to in paragraph 1 of this Article where amendments to the relevant international agreements make this necessary.";

(3) the following Article 8a is inserted:

*"Article 8a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 6(5) and Article 7(2) shall be conferred on the Commission for **a period of five years** [...] from [...] **the entry into force of this Regulation [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 6(5) and Article 7(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 6(5) and Article 7(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(4) in Article 9, paragraph 3 is deleted.

**116. Regulation (EC) No 789/2004 of the European Parliament and of the Council of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community and repealing Council Regulation (EEC) No 613/91<sup>13</sup>**

In order to adapt Regulation (EC) No 789/2004 to developments at international level, in particular in the International Maritime Organisation, and to improve the effectiveness of that Regulation in the light of experience and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend certain definitions in that Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 789/2004 is amended as follows:

(1) in Article 7, paragraph 3 is deleted;

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<sup>13</sup> OJ L 138, 30.4.2004, p. 19.

(2) in Article 9, paragraph 1 is replaced by the following:

"1. The Commission is empowered to adopt delegated acts in accordance with Article 9a amending the definitions in Article 2 in order to take account of developments at international level, in particular in the International Maritime Organisation (IMO), and to improve the effectiveness of this Regulation in the light of experience and technical progress, insofar as such amendments do not broaden the scope of this Regulation.";

(3) the following Article 9a is inserted:

*"Article 9a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 9(1) shall be conferred on the Commission for a **period of five years** [...] from [...] **the entry into force of this Regulation [...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 9(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.



6. A delegated act adopted pursuant to Articles 9(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

117.[...]

**118. Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community<sup>14</sup>**

In order to adapt Directive 2005/44/EC to technical progress and to take into account experience gained from its application, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2005/44/EC is amended as follows:

(1) Article 10 is replaced by the following:

*"Article 10*  
**Amendments to Annexes I and II**

The Commission is empowered to adopt delegated acts in accordance with Article 10a amending Annexes I and II in the light of the experience gained from the application of this Directive and in order to adapt those Annexes to technical progress.";

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<sup>14</sup> OJ L 255, 30.9.2005, p. 152.

(2) the following Article 10a is inserted:

*"Article 10a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for **a period of five years** [...] from [...] **the entry into force of this Regulation** [...]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 10 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 10 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) in Article 11, paragraph 4 is deleted.

### 119. Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security<sup>15</sup>

In order to update the technical measures necessary to ensure port security on a regular basis, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I to IV to Directive 2005/65/EC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2005/65/EC is amended as follows:

(1) Article 14 is replaced by the following:

*"Article 14*  
**Amendments to Annexes I to IV**

The Commission is empowered to adopt delegated acts in accordance with Article 14a amending Annexes I to IV in order to adapt them to the experience gained in their implementation without broadening the scope of this Directive.

Where, in the case of amendments required to adapt the Annexes I to IV, imperative grounds of urgency so require, the procedure provided for in Article 14b shall apply to delegated acts adopted pursuant to this Article.";

(2) the following Articles 14a and 14b are inserted:

*"Article 14a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for a **period of five years** [...] from [...] **the entry into force of this Regulation [...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

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<sup>15</sup> OJ L 310, 25.11.2005, p. 28.

3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 14b*  
**Urgency procedure**

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 14a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) Article 15 is deleted.

**120.Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC<sup>16</sup>.**

In order to adapt Regulation (EC) No 2111/2005 to scientific and technical progress and to specify further the applicable procedures, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annex to that Regulation and to supplement that Regulation with detailed rules in respect of certain procedures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 2111/2005 is amended as follows:

(1) in Article 3, paragraph 2 is replaced by the following:

"2. The common criteria for imposing an operating ban on an air carrier, which shall be based on the relevant safety standards, are set out in the Annex and are hereafter referred to as "common criteria".

The Commission is empowered to adopt delegated acts in accordance with Article 14a amending the Annex in order to modify the common criteria to take account of scientific and technical developments.";

(2) Article 8 is replaced by the following:

*"Article 8*  
**Detailed rules**

The Commission is empowered to adopt delegated acts in accordance with Article 14a laying down detailed rules in respect of the procedures referred to in this Chapter taking due account of the need for decisions to be taken swiftly on updating the Community list.

Where, in the case of measures referred to in paragraph 1, imperative grounds of urgency so require, the procedure provided for in Article 14b shall apply to delegated acts adopted pursuant to this Article.";

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<sup>16</sup> OJ L 344, 27.12.2005, p. 15.

(3) the following Articles 14a and 14b are inserted:

*"Article 14a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 3(2) and Article 8 shall be conferred on the Commission for [...] a period of **five years from** [...] [date of entry into force of this **Regulation**]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 3(2) and Article 8 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 3(2) and Article 8 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by one month at the initiative of the European Parliament or of the Council.

*Article 14b*

**Urgency procedure**

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 14a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

\* OJ L 123, 12.5.2016, p. 1."

(4) in Article 15, paragraph 4 is deleted.

121.[...]

**122.Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95<sup>17</sup>**

In order to update the provisions concerning the implementation of the International Safety Management Code, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annex II to Regulation (EC) No 336/2006. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 336/2006 is amended as follows:

(1) in Article 11, paragraph 2 is replaced by the following:

"2. The Commission is empowered to adopt delegated acts in accordance with Article 11a amending Annex II in order to take account of developments at international level and in particular in the International Maritime Organisation (IMO), or to improve the effectiveness of this Regulation in the light of the experience gained in its implementation **insofar as such amendments do not broaden the scope of this Regulation.**";

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<sup>17</sup> OJ L 64, 4.3.2006, p. 1.

(2) the following Article 11a is inserted:

*"Article 11a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 11(2) shall be conferred on the Commission for a **period of five years** [...] from [...] **the entry into force of this Regulation [...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 11(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 11(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) in Article 12, paragraph 3 is deleted.



**123. Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community<sup>18</sup>.**

In order to adopt the necessary technical measures for the proper functioning of Directive 2007/59/EC and to adapt it to scientific and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Directive so as to adapt them to scientific and technical progress, as well as to supplement that Directive **by adopting the Community Codes for the different types in categories A and B and by adopting technical and operating specifications for smartcards.** [...]

- [...]
- [...]
- [...]
- [...]
- [...]
- [...]
- [...]

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

**In order to ensure uniform conditions for the implementation of Directive 2007/59/EC, implementing powers should be conferred on the Commission concerning:**

- **the model for the licence, the certificate and the certified copy of the certificate, and their physical characteristics;**
- **the basic parameters of registers;**
- **the common criteria for defining vocational competences and assessing staff and the Union criteria on the choice of examiners and examinations.**

**Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

**The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to safety, imperative grounds of urgency so require.**

Accordingly, Directive 2007/59/EC is amended as follows:

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<sup>18</sup> OJ L 315, 3.12.2007, p. 51.

(1) in Article 4, paragraph 4 is replaced by the following:

"4. The Commission **may adopt, by means of implementing acts, [...]**and on the basis of a draft prepared by the Agency, a Community model for the licence, the certificate and the certified copy of the certificate, and [...] determine their physical characteristics, taking into account therein anti-forgery measures. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).**

The Commission is empowered to adopt delegated acts in accordance with Article 31a [...], **and** on the basis of a recommendation prepared by the Agency, **in order to supplement this Directive by establishing** the Community Codes for the different types in categories A and B as referred to in paragraph 3 of this Article.";

(2) in Article 22(4), the second subparagraph is replaced by the following:

"To this end, the Commission **may establish, by means of implementing acts, [...]**, **and** on the basis of a draft prepared by the Agency, the basic parameters of the registers to be set up, such as data to be recorded, their format and the data exchange protocol, access rights, the duration of data retention and the procedures to be followed in cases of bankruptcy. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).**";

(3) Article 23(3) is amended as follows:

(a) point (b) is replaced by the following:

"(b) the criteria proposed by the Agency pursuant to Article 36 of Regulation (EU) 2016/796.";

(b) the following second subparagraph is added:

"The Commission **may establish, by means of implementing acts, [...]** those criteria. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).**";

(4) in Article 25, paragraph 5 is replaced by the following:

"5. The choice of examiners and examinations may be subject to Union criteria. The Commission **may establish, by means of implementing acts, [...]** such Union criteria on the basis of a draft prepared by the Agency.

[...] **On duly justified** imperative grounds of urgency **relating to safety [...]** **the Commission may adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 32(2a).** [...]

In the absence of such Union criteria, the competent authorities shall establish national criteria.";

(5) in Article 31, paragraph 1 is replaced by the following:

"1. The Commission is empowered to adopt delegated acts in accordance with Article 31a, amending the Annexes in order to adapt them to scientific and technical progress.

Where, in the case of Annexes to be adapted to scientific and technical progress, imperative grounds of urgency so require, the procedure provided for in Article 31b shall apply to delegated acts adopted pursuant to this Article.";

(6) the following Articles 31a and 32b are inserted:

*"Article 31a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in **the second subparagraph of Article 4(4), [...]** Article 31(1) and **in the second paragraph of Article 34** shall be conferred on the Commission for **a period of five years [...]**from **[[...]** the entry into force of this **Regulation [...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in **the second subparagraph of Article 4(4), [...]** Article 31(1) and **in the second paragraph of Article 34** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to **the second subparagraph of Article 4(4)**, [...] Article 31(1) and **in the second paragraph of Article 34** shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

### *Article 31b*

#### **Urgency procedure**

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 31a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(7) [...] Article 32 is amended as follows: [...]

**(a) the following paragraph 2a is inserted:**

**"Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 of the European Parliament and of the Council\*, in conjunction with Article 5 thereof, shall apply.";**

\* Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

**(b) paragraphs 3 and 4 are deleted.**

(8) in Article 34, the second paragraph is replaced by the following:

"The Commission is empowered to adopt delegated acts in accordance with Article 31a **in order to supplement this Directive** by laying down the technical and operating specifications for such a smartcard."

124.[...]

**125. Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods<sup>19</sup>**

In order to adapt Directive 2008/68/EC to technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2008/68/EC is amended as follows:

(1) in Article 8, paragraph 1 is replaced by the following:

"1. The Commission is empowered to adopt delegated acts in accordance with Article 8a amending the Annexes in order [...] to take account of amendments to the ADR, RID and AND, **in particular those relating to scientific and technical progress.**";

(2) the following Article 8a is inserted:

*"Article 8a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for **a period of five years** [...] from [...] **the entry into force of this Regulation [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 8(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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<sup>19</sup> OJ L 260, 30.9.2008, p. 13.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 8(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) in Article 9, paragraph 3 is deleted.

126.[...]

**127.Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002<sup>20</sup>**

[...]

**In order to ensure uniform conditions for the implementation of the relevant provisions of Regulation (EC) No 300/2008, implementing powers should be conferred on the Commission to adopt general measures concerning certain elements of the common basic standards on aviation security and the criteria to allow Member States to derogate from the common basic standards and to adopt alternative security measures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

**The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to certain elements of the common basic standards and to the criteria to allow Member States to derogate from the common basic standards and to adopt alternative security measures, imperative grounds of urgency so require.**

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<sup>20</sup> OJ L 97, 9.4.2008, p. 72.

**There is no need to empower the Commission to amend Regulation (EC) No 300/2008 by adopting an additional annex related to the specifications for the national quality control programme. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EC) No 300/2008, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Regulation (EC) No 300/2008 is amended as follows:

(1) Article 4 is amended as follows:

(a) paragraph 2 is amended as follows:

(i) the first subparagraph is replaced by the following:

**"The Commission may adopt, by means of implementing acts, [...] general measures concerning certain elements of the common basic standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).";**

(ii) point (l) of the second subparagraph is replaced by the following:

**"any general measures concerning elements of the common basic standards referred to in paragraph 1 not foreseen at the date of entry into force of this Regulation."**

(iii) the third subparagraph is replaced by the following:

**"On duly justified imperative grounds of urgency relating to [...] certain elements of the common basic standards, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 19(2a) [...]"**

(b) in paragraph 4, the first and second subparagraphs are replaced by the following:

**"The Commission shall adopt, by means of implementing acts, [...] criteria to allow Member States to derogate from the common basic standards referred to in paragraph 1 and to adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment. Such alternative measures shall be justified by reasons relating to the size of the aircraft, or by reasons relating to the nature, scale or frequency of operations or of other relevant activities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).**

**On duly justified imperative grounds of urgency relating to [...] the [...] criteria referred to in the first subparagraph, the Commission shall adopt immediately applicable implementing acts in accordance with Article 19(2a) [...]"**



(2) [...] Article 11(2) is amended as follows [...]:

(a) the first subparagraph is replaced by the following:

"The specifications for the national quality control programme are set out in Annex II.";

(b) the second subparagraph is deleted;

[...]

(4) [...] Article 19 is amended as follows:

(a) the following paragraph 2a is inserted:

"Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 of the European Parliament and of the Council\*, in conjunction with Article 5 thereof, shall apply.

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\* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)";

(b) paragraphs 3 and 4 are deleted.

### **128. Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations<sup>21</sup>**

In order to adapt Directive 2009/15/EC to the evolution of relevant international instruments and to modify the maximum amounts payable to compensate the injured parties, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive so as to:

- incorporate subsequent amendments to certain international conventions, protocols, codes and resolutions related thereto, which have entered into force;
- alter certain amounts specified therein.

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<sup>21</sup> OJ L 131, 28.5.2009, p. 47.



It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2009/15/EC is amended as follows:

(1) the following Article 5a is inserted:

*"Article 5a*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 7(1) shall be conferred on the Commission for a **period of five years** [...] from [...] **the entry into force of this Regulation [...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
3. The delegation of power referred to in Article 7(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]\*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 7(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(2) in Article 6, paragraph 3 is deleted;

(3) in Article 7, paragraph 1 is replaced by the following:

"1. The Commission is empowered to adopt delegated acts in accordance with Article 5a amending this Directive, without broadening its scope, in order to:

(a) incorporate, for the purposes of this Directive, subsequent amendments to the international conventions, protocols, codes and resolutions related thereto referred to in point (d) of Article 2, Article 3(1) and Article 5(2), which have entered into force;

(b) alter the amounts specified in points (ii) and (iii) of Article 5(2)(b)."

**129. Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council<sup>22</sup>**

In order to adapt Directive 2009/18/EC to the evolution of Union and international rules, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:

- to amend that Directive in order to update definitions and references made to Union acts and to IMO instruments in order to bring them into line with Union or IMO measures which have entered into force;
- to amend the Annexes to that Directive in order to adapt them to technical progress and experience gained in their implementation. [...]
- [...]

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>22</sup> OJ L 131, 28.5.2009, p. 114.

**In order to ensure uniform conditions for the implementation of Directive 2009/18/EC, implementing powers should be conferred on the Commission concerning the common methodology for investigating marine casualties and incidents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

Accordingly, Directive 2009/18/EC is amended as follows:

(1) in Article 5, paragraph 4 is replaced by the following:

"4. When carrying out safety investigations, the investigative body shall follow the common methodology for investigating marine casualties and incidents. Investigators may depart from that methodology in a specific case where this can be justified as necessary, in their professional judgement, and if needed to achieve the aims of the investigation.

The Commission **may adopt, by means of implementing acts, [...] the common methodology for investigating marine casualties and incidents taking into account any relevant lessons drawn from safety investigations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(2).**";

(2) the following Article 18a is inserted:

*"Article 18a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in [...] Article 20 shall be conferred on the Commission for a **period of five years** [...] from [...] **the entry into force of this Regulation [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in [...] Article 20 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...].\*

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to [...] Article 20 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) in Article 19, paragraph 3 deleted.

(4) Article 20 is replaced by the following:

*"Article 20*  
**Amending powers**

1. The Commission is empowered to adopt delegated acts in accordance with Article 18a amending definitions in this Directive and references made to Union acts and to IMO instruments in order to bring them into line with Union or IMO measures which have entered into force, subject to observance of the limits of this Directive.
2. The Commission is empowered to adopt delegated acts in accordance with Article 18a amending the Annexes to this Directive in order to adapt them to technical progress and experience gained in their implementation.
3. Amendments to the IMO Code for the Investigation of Marine Casualties and Incidents may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002."

**130.** [...]

### **131.Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations<sup>23</sup>**

In order to complete Regulation (EC) No 391/2009 and to adapt it to the evolution of international rules, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:

- to amend the minimum criteria set out in Annex I to that Regulation taking into account, in particular, the relevant decisions of the IMO;
- to supplement that Regulation with criteria for the measurement of the effectiveness of the rules and procedures as well as the performance of the recognised organisations as regards the safety of, and the prevention of pollution from, their classed ships, having particular regard to the data produced by the Paris Memorandum of Understanding on Port State Control or by other similar schemes;
- to supplement that Regulation with criteria for determining when such performance is to be considered an unacceptable threat to safety or the environment, which may take into account specific circumstances affecting smaller-sized or highly specialised organisations;
- to supplement that Regulation with detailed rules concerning fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 391/2009 is amended as follows:

(1) in Article 12, paragraph 4 is deleted;

(2) in Article 13, paragraph 1 is replaced by the following:

"1. The Commission is empowered to adopt delegated acts in accordance with Article 14a amending Annex I, without broadening its scope, in order to update the minimum criteria set out therein, taking into account, in particular, the relevant decisions of the IMO.";

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<sup>23</sup> OJ L 131, 28.5.2009, p. 11.

(3) in Article 14, paragraphs 1 and 2 are replaced by the following:

"1. The Commission is empowered to adopt delegated acts in accordance with Article 14a **in order to supplement this Regulation by laying down [...]**:

(a) criteria to measure the effectiveness of the rules and procedures as well as the performance of the recognised organisations as regards the safety of, and the prevention of pollution from, their classed ships, having particular regard to the data produced by the Paris Memorandum of Understanding on Port State Control or by other similar schemes;

(b) criteria to determine when such performance is to be considered an unacceptable threat to safety or the environment, which may take into account specific circumstances affecting smaller-sized or highly specialised organisations.

2. The Commission is empowered to adopt delegated acts in accordance with Article 14a **in order to supplement this Regulation by laying down [...]** detailed rules on the imposition of fines and periodic penalty payments pursuant to Article 6, and, if necessary regarding the withdrawal of recognition of ship inspection and survey organisations pursuant to Article 7.";

(4) the following Article 14a is inserted:

*"Article 14a*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 13(1) and Article 14(1) and (2) shall be conferred on the Commission for a **period of five years [...]** from **[[...] the entry into force of this Regulation [...]]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 13(1) and Article 14(1) and (2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 13(1) and Article 14(1) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

### **132. Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents<sup>24</sup>**

In order to adapt Regulation (EC) No 392/2009 to other Union and international rules, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:

- to amend Annex I to that Regulation so as to incorporate amendments to the provisions of the Athens Convention;
- to amend the limits set out in Annex I to that Regulation for ships of Class B under Article 4 of Directive 2009/45/EC of the European Parliament and of the Council<sup>25</sup>;
- to amend Annex II to that Regulation so as to incorporate amendments to the provisions of the IMO Guidelines.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 392/2009 is amended as follows:

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<sup>24</sup> OJ L 131, 28.5.2009, p. 24.

<sup>25</sup> Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1).



(1) Article 9 is replaced by the following:

*"Article 9*  
**Amendment of the Annexes**

1. The Commission is empowered to adopt delegated acts in accordance with Article 9a amending Annex I to this Regulation in order to incorporate the amendments to the limits set out in Article 3(1), Article 4*bis*(1), Article 7(1) and Article 8 of the Athens Convention to take account of decisions taken pursuant to Article 23 of that Convention.

The Commission is empowered to adopt, **by 31 December 2016**, on the basis of a suitable impact assessment, delegated acts in accordance with Article 9a amending the limits set out in Annex I to this Regulation for ships of Class B under Article 4 of Directive 2009/45/EC of the European Parliament and of the Council\*, taking into consideration, [...] the consequences for fares and the ability of the market to obtain affordable insurance coverage at the level required against the policy background of strengthening passengers' rights, as well as the seasonal nature of some of the traffic.

2. The Commission is empowered to adopt delegated acts in accordance with Article 9a amending Annex II in order to incorporate amendments to the provisions of the IMO Guidelines.

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\* Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1)";

(2) the following Article 9a is inserted:

*"Article 9a*  
**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 9(1) and (2) shall be conferred on the Commission for **a period of five years** [...] from [...] **the entry into force of this Regulation [...]**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

3. The delegation of power referred to in Article 9(1) and (2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.



4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]\*.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 9(1) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) Article 10 is deleted.

133.[...]

134.[...]

135.[...]

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