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► B 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)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Regulation (EC) No 415/2004 of 5 March 2004	L 68	10	6.3.2004
► <u>M2</u>	Commission Regulation (EC) No 93/2007 of 30 January 2007	L 22	12	31.1.2007
► <u>M3</u>	Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009	L 188	14	18.7.2009
► <u>M4</u>	Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012	L 172	3	30.6.2012
► <u>M5</u>	Commission Regulation (EU) 2016/103 of 27 January 2016	L 21	67	28.1.2016
► <u>M6</u>	Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019	L 198	241	25.7.2019

▼B**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***Article 1***Purpose**

The purpose of this Regulation is to improve the implementation of the Community legislation referred to in Article 2(2) on maritime safety, the prevention of pollution from ships and shipboard living and working conditions:

- (a) by centralising the tasks of the committees set up under Community maritime legislation and replaced by this Regulation by establishing a single Committee on Safe Seas and the Prevention of Pollution from Ships, to be known as COSS;
- (b) by accelerating the update of, and facilitating subsequent amendments to, Community maritime legislation in the light of developments in the international instruments referred to in Article 2(1).

*Article 2***Definitions**

For the purposes of this Regulation:

- 1. ‘international instruments’ shall mean the conventions, protocols, resolutions, codes, compendia of rules, circulars, standards and provisions adopted by an international conference, the International Maritime Organisation (IMO), the International Labour Organisation (ILO) or the parties to a memorandum of understanding referred to in the provisions of the Community maritime legislation in force;

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- 2. ‘Community maritime legislation’ shall mean the following acts:
 - (a) Council Regulation (EC) No 2978/94 of 21 November 1994 on the implementation of IMO resolution A.747(18) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers ⁽¹⁾;
 - (b) Council Directive 96/98/EC of 20 December 1996 on marine equipment ⁽²⁾;
 - (c) Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over ⁽³⁾;
 - (d) Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community ⁽⁴⁾;

⁽¹⁾ OJ L 319, 12.12.1994, p. 1.

⁽²⁾ OJ L 46, 17.2.1997, p. 25.

⁽³⁾ OJ L 34, 9.2.1998, p. 1.

⁽⁴⁾ OJ L 188, 2.7.1998, p. 35.

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- (e) Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC ⁽¹⁾ for the purpose of implementation of its Article 4(d)(2);
- (f) Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services ⁽²⁾;
- (g) Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues ⁽³⁾;
- (h) 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 ⁽⁴⁾;
- (i) 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 ⁽⁵⁾;
- (j) 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 ⁽⁶⁾;
- (k) 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 ⁽⁷⁾;
- (l) 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 ⁽⁸⁾;
- (m) Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences ⁽⁹⁾;
- (n) 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 ⁽¹⁰⁾;
- (o) Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers ⁽¹¹⁾;

⁽¹⁾ OJ L 121, 11.5.1999, p. 13.

⁽²⁾ OJ L 138, 1.6.1999, p. 1.

⁽³⁾ OJ L 332, 28.12.2000, p. 81.

⁽⁴⁾ OJ L 13, 16.1.2002, p. 9.

⁽⁵⁾ OJ L 208, 5.8.2002, p. 10.

⁽⁶⁾ OJ L 115, 9.5.2003, p. 1.

⁽⁷⁾ OJ L 123, 17.5.2003, p. 22.

⁽⁸⁾ OJ L 138, 30.4.2004, p. 19.

⁽⁹⁾ OJ L 255, 30.9.2005, p. 11.

⁽¹⁰⁾ OJ L 64, 4.3.2006, p. 1.

⁽¹¹⁾ OJ L 323, 3.12.2008, p. 33.

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- (p) 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 ⁽¹⁾;
- (q) Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control ⁽²⁾;
- (r) 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 ⁽³⁾;
- (s) Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements ⁽⁴⁾;
- (t) 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 ⁽⁵⁾;
- (u) 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 ⁽⁶⁾;
- (v) Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships ⁽⁷⁾;
- (w) Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers ⁽⁸⁾;
- (x) Commission Regulation (EU) No 788/2014 of 18 July 2014 laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) No 391/2009 of the European Parliament and of the Council ⁽⁹⁾;
- (y) Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC ⁽¹⁰⁾.

⁽¹⁾ OJ L 131, 28.5.2009, p. 47.

⁽²⁾ OJ L 131, 28.5.2009, p. 57.

⁽³⁾ OJ L 131, 28.5.2009, p. 114.

⁽⁴⁾ OJ L 131, 28.5.2009, p. 132.

⁽⁵⁾ OJ L 131, 28.5.2009, p. 11.

⁽⁶⁾ OJ L 131, 28.5.2009, p. 24.

⁽⁷⁾ OJ L 163, 25.6.2009, p. 1.

⁽⁸⁾ OJ L 172, 30.6.2012, p. 3.

⁽⁹⁾ OJ L 214, 19.7.2014, p. 12.

⁽¹⁰⁾ OJ L 257, 28.8.2014, p. 146.

▼M3*Article 3***Establishment of a Committee**

1. The Commission shall be assisted by a Committee on Safe Seas and the Prevention of Pollution from Ships (hereinafter called COSS).
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.

▼M6**▼B***Article 4***Integration of amendments to international instruments in Community law**

For the purposes of Community maritime legislation, the applicable international instruments shall be those which have entered into force, including the most recent amendments thereto, with the exception of the amendments excluded from the scope of the Community maritime legislation resulting from the conformity checking procedure established by Article 5.

*Article 5***Conformity checking procedure**

1. For the purposes of this Regulation and with a view to reducing the risks of conflict between the Community maritime legislation and international instruments, Member States and the Commission shall cooperate, through coordination meetings and/or any other appropriate means, in order to define, as appropriate, a common position or approach in the competent international fora.
2. A conformity checking procedure is hereby established in order to exclude from the scope of the Community maritime legislation any amendment to an international instrument only if, on the basis of an evaluation by the Commission, there is a manifest risk that the international amendment, within the scope of the Regulations or the Directives referred to in Article 2(2), will lower the standard of maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions established by Community maritime legislation, or be incompatible with the latter.

The conformity checking procedure may be used solely to make amendments to the Community maritime legislation in the fields expressly covered by the regulatory procedure and strictly within the framework of exercise of implementing powers conferred on the Commission.

3. In the circumstances referred to in paragraph 2, the conformity checking procedure shall be initiated by the Commission, which, where appropriate, may act at the request of a Member State.

The Commission shall submit to the COSS, without delay, after the adoption of an amendment to an international instrument a proposal for measures with the aim of excluding the amendment in question from the Community text concerned.

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The conformity checking procedure, including, if applicable, the procedures set up in Article 5(6) of Decision 1999/468/EC, shall be completed at least one month before the expiration of the period established internationally for the tacit acceptance of the amendment concerned or the envisaged date for the entry into force of said amendment.

4. In the event of a risk as referred to in the first subparagraph of paragraph 2, Member States shall refrain, during the period of the conformity checking procedure, from any initiative intended to integrate the amendment in national legislation or to apply the amendment to the international instrument concerned.

*Article 6***Information**

All relevant amendments to international instruments that are integrated in Community maritime legislation, in accordance with Articles 4 and 5, shall be published, for information purposes, in the *Official Journal of the European Communities*.

▼M6*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 point 2 of Article 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.

*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 26 July 2019. 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 ⁽¹⁾.

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

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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.

▼B*Article 8***Amendment to Regulation (EEC) No 613/91**

Regulation (EEC) No 613/91 is hereby amended as follows:

1. Article 1(a) shall be replaced by the following:

‘(a) “Conventions” means the 1974 International Convention for the Safety of Life at Sea (1974 Solas), the 1966 International Convention on Load Lines (LL66) and the International Convention for the Prevention of Pollution from Ships (Marpol 73/78), in their up-to-date versions, and related resolutions of mandatory status adopted by the International Maritime Organisation (IMO).’

2. Articles 6 and 7 shall be replaced by the following:

‘Article 6

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention (COSS) created by Article 3 of 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) (*).

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (**) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

Article 7

The amendments to the international instruments referred to in Article 1 may be excluded from the scope of this Regulation, pursuant to Article 5 of Regulation (EC) No 2099/2002.

(*) OJ L 324, 29.11.2002, p. 1.

(**) OJ L 184, 17.7.1999, p. 23.’

*Article 9***Amendment to Regulation (EC) No 2978/94**

Regulation (EC) No 2978/94 is hereby amended as follows:

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- Article 3(g) shall be replaced by the following:

‘(g) “Marpol 73/78” means the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto, in their up-to-date versions.’

- The following paragraph shall be added to Article 6:

‘The amendments to the international instruments referred to in Article 3 may be excluded from the scope of this Regulation, pursuant to Article 5 of 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) (*).

(*) OJ L 324, 29.11.2002, p. 1.’

- Article 7 shall be replaced by the following:

‘Article 7

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.

2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

(*) OJ L 184, 17.7.1999, p. 23.’

Article 10

Amendment to Regulation (EC) No 3051/95

Regulation (EC) No 3051/95 is hereby amended as follows:

- The following subparagraph shall be added to Article 9:

‘The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Regulation, pursuant to Article 5 of 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) (*).

(*) OJ L 324, 29.11.2002, p. 1.’

- Article 10 shall be replaced by the following:

‘Article 10

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.

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2. Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (*) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The Committee shall adopt its rules of procedure.

(*) OJ L 184, 17.7.1999, p. 23.'

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Article 12

Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.