

## ANNEX

## 7. ENERGY AND TRANSPORT

## F1 7.1. Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport

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**Textual Amendments**

- F1** Deleted by [Regulation \(EU\) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation \(EEC\) No 3821/85 on recording equipment in road transport and amending Regulation \(EC\) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport \(Text with EEA relevance\)](#).

7.2. 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<sup>(1)</sup>

As regards Directive 97/70/EC, the Commission should be empowered to adopt provisions for the harmonised interpretation of provisions of the Annex to the Torremolinos Protocol and for the implementation of the Directive. The Commission should also be empowered to amend certain provisions of the Directive and of the annexes thereto in order to apply, for the purpose of the Directive, subsequent amendments to the Torremolinos Protocol which entered into force after the adoption of the Directive. Since those measures are of general scope and are designed to amend non-essential elements of Directive 97/70/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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

1. in Article 4(4)(b), the words ‘in accordance with the procedure laid down in Article 9’ shall be replaced by the words ‘in accordance with the regulatory procedure referred to in Article 9(2).’;
2. in Article 8, the first subparagraph shall be replaced by the following:

The following adaptations, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(3):

- (a) provisions may be adopted and incorporated 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 Community,
  - the implementation of this Directive without broadening its scope,
- (b) Articles 2, 3, 4, 6 and 7 of this Directive may be adapted and its Annexes may be amended in order to apply, for the purpose of this Directive, subsequent amendments to the Torremolinos Protocol which have entered into force after the adoption of this Directive.;

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*Changes to legislation:* There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 7.. (See end of Document for details)

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3. Article 9 shall be replaced by the following:

*Article 9*

**Committee procedure**

- 1 The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council<sup>(2)</sup>.

- 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<sup>(3)</sup> 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 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

- 7.3. 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<sup>(4)</sup>

As regards Directive 1999/35/EC, the Commission should be empowered to adapt the Annexes, definitions and references to Community instruments and instruments of the International Maritime Organisation (IMO) in order to bring them into line with Community or IMO measures which have subsequently entered into force. The Commission should also be empowered to amend the annexes in order to improve the regime established by the Directive. Since those measures are of general scope and are designed to amend non-essential elements of Directive 1999/35/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 1999/35/EC is hereby amended as follows:

1. in Article 4(1)(d), last sentence, Article 11(6) and (8) and Article 13(3), second and last sentences, the words ‘the procedure laid down in Article 16’ shall be replaced by the words ‘the regulatory procedure referred to in Article 16(2).’;
2. Article 16 shall be replaced by the following:

*Article 16*

**Committee procedure**

- 1 The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council<sup>(5)</sup>.

- 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 two months.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 7.. (See end of Document for details)

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3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;

3. Article 17 shall be replaced by the following:

#### *Article 17*

#### **Amendment procedure**

The Annexes to this Directive, the definitions, the references to Community instruments and references to IMO instruments may be adapted to the extent necessary to bring them into line with Community or IMO measures which have entered into force, but without broadening the scope of this Directive.

The Annexes may also be adapted when it is necessary to improve the arrangements established by this Directive, but without broadening its scope.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(3).

The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002.

F<sup>2</sup>7.4. Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers

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#### **Textual Amendments**

**F2** Deleted by [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 \(recast\)](#).

7.5. 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>(6)</sup>

As regards Regulation (EC) No 782/2003, the Commission should be empowered to establish a harmonised survey and certification regime for certain ships, to take certain measures as regards ships sailing under the flag of a third State, to establish port State control procedures, and to amend certain references and annexes to take account of developments at international level, in particular in the IMO, or to improve the effectiveness of that Regulation in the light of experience. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 782/2003, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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

1. Article 6 shall be amended as follows:

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 7.. (See end of Document for details)

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- (a) in paragraph 1(b), the second subparagraph shall be replaced by the following:

If necessary, the Commission may establish a harmonised survey and certification regime for these ships. That measure, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(2).;

- (b) paragraph 3 shall be replaced by the following:

3. If the AFS-Convention has not entered into force by 1 January 2007, the Commission shall adopt appropriate measures in order to allow ships flying the flag of a third State to demonstrate their compliance with Article 5. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(2).;

2. in Article 7, the second paragraph shall be replaced by the following:

If the AFS-Convention has not entered into force by 1 January 2007, the Commission shall establish appropriate procedures for these controls. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(2).;

3. Article 8 shall be replaced by the following:

*Article 8*

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, the Commission may amend the references to the AFS-Convention, to the AFS-Certificate, to the AFS-Declaration and to the AFS-Statement of Compliance and the Annexes to this Regulation, including relevant IMO guidelines in relation to Article 11 of the AFS-Convention. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(2).;

4. Article 9 shall be replaced by the following:

*Article 9*

**Committee procedure**

- 1 The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council<sup>(7)</sup>.

- 2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

- <sup>F3</sup>7.6. Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market

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**Textual Amendments**

- F3** Deleted by [Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC \(Text with EEA relevance\)](#).

7.7. Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community<sup>(8)</sup>

As regards Directive 2004/52/EC, the Commission should be empowered to adapt the annex and to take decisions relating to the definition of the European electronic toll service. The Commission should also be empowered to take technical decisions relating to the realisation of the European electronic toll service. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2004/52/EC, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 2004/52/EC is hereby amended as follows:

1. Article 4 shall be amended as follows:
  - (a) paragraph 2 shall be replaced by the following:
    2. Where appropriate, the Annex may be adapted for technical reasons. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(2).;
  - (b) paragraphs 4, 5 and 6 shall be replaced by the following:
    4. The decisions relating to the definition of the European electronic toll service shall be taken by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(2). Such decisions shall only be taken if all the conditions, evaluated on the basis of appropriate studies, are in place to enable interoperability to work from all points of view, including technical, legal and commercial conditions.
    5. Technical decisions relating to the realisation of the European electronic toll service shall be taken by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 5(2).;
2. Article 5 shall be replaced by the following:

*Article 5*

**Committee procedure**

1. The Commission shall be assisted by an Electronic Toll Committee.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 7.. (See end of Document for details)

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2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

7.8. 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>(9)</sup>

As regards Regulation (EC) No 725/2004, the Commission should be empowered to decide whether amendments to the Annexes, which concern certain special measures to enhance maritime security of the International Convention for the Safety of Life at Sea, and of the International Code for the security of ships and of port facilities, that apply automatically to international traffic should also apply to ships operating domestic services and the port facilities serving them. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 725/2004, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Regulation (EC) No 725/2004 lays down security requirements and measures and is based on international instruments that are subject to amendment. Where, on imperative grounds of urgency, the normal time-limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to have recourse to the urgency procedure provided for in Article 5a(6) of Decision 1999/468/EC.

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

1. Article 10(2) shall be replaced by the following:
2. The Commission shall decide on the integration of 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. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(4); on imperative grounds of urgency, the Commission may have recourse to the urgency procedure referred to in Article 11(5). The procedure for checking conformity established in paragraph 5 of this Article shall not apply in these cases.;
2. Article 10(3) shall be replaced by the following:
3. The Commission may adopt provisions in order to define harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of this Regulation. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(4).  
  
On imperative grounds of urgency, the Commission may have recourse to the urgency procedure referred to in Article 11(5).;
3. Article 11 shall be replaced by the following:

## Article 11

### Committee procedure

- 1 The Commission shall be assisted by a committee.
- 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.
- 3 Where reference is made to this paragraph, Articles 6 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.  
The periods laid down in Article 6(b) and (c) respectively of Decision 1999/468/EC shall be set at one month.
- 4 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
- 5 Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof..
- 7.9. 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<sup>(10)</sup>

As regards Regulation (EC) No 789/2004, the Commission should be empowered to amend certain definitions in order to take account of developments at international level, in particular in the International Maritime Organisation (IMO), and to improve the effectiveness of the Regulation in the light of experience and technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 789/2004, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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

1. Article 7 shall be replaced by the following:

## Article 7

### Committee procedure

- 1 The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up by Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council<sup>(11)</sup>.
- 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 two months.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 7.. (See end of Document for details)

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3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;

2. Article 9(1) shall be replaced by the following:

1. 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, the Commission may amend the definitions in Article 2 insofar as such amendments do not broaden the scope of the Regulation. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3).

7.10. 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>(12)</sup>

As regards Directive 2005/44/EC, the Commission should be empowered to adapt the annexes to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2005/44/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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

1. Article 10 shall be replaced by the following:

*Article 10*

**Amendment procedure**

Annexes I and II may be amended in the light of the experience gained from the application of this Directive and adapted to technical progress. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(4).;

2. Article 11 shall be replaced by the following:

*Article 11*

**Committee procedure**

1 The Commission shall be assisted by the Committee set up by Article 7 of Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of boatmasters' certificates for the carriage of goods and passengers by inland waterway<sup>(13)</sup>.

2 Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3 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.



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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 7.. (See end of Document for details)

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

4 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

5 The Commission shall regularly consult representatives of the sector.

7.11. Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security<sup>(14)</sup>

As regards Directive 2005/65/EC, the Commission should be empowered to adapt the Annexes thereto. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2005/65/EC, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Directive 2005/65/EC lays down security requirements and measures and is based on international instruments that are subject to amendment. Where, on imperative grounds of urgency, the normal time-limits for the regulatory procedure with scrutiny cannot be complied with, the Commission should be able to have recourse to the urgency procedure provided for in Article 5a(6) of Decision 1999/468/EC for the adaptation of its Annexes.

Accordingly, Articles 14 and 15 of Directive 2005/65/EC shall be replaced by the following:

#### *Article 14*

##### **Adaptations**

The Commission may adapt Annexes I to IV without broadening the scope of this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(2).

On imperative grounds of urgency, the Commission may have recourse to the urgency procedure referred to in Article 15(3).

#### *Article 15*

##### **Committee procedure**

1 The Commission shall be assisted by the committee set up by Regulation (EC) No 725/2004.

2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3 Where reference is made to this paragraph, Article 5a(1), (2), (4) and (6) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 7.. (See end of Document for details)

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- (1) OJ L 34, 9.2.1998, p. 1.
- (2) OJ L 324, 29.11.2002, p. 1.
- (3) OJ L 184, 17.7.1999, p. 23.’
- (4) OJ L 138, 1.6.1999, p. 1.
- (5) OJ L 324, 29.11.2002, p. 1.’;
- (6) OJ L 115, 9.5.2003, p. 1.
- (7) OJ L 324, 29.11.2002, p. 1.’
- (8) OJ L 166, 30.4.2004, p. 124.
- (9) OJ L 129, 29.4.2004, p. 6.
- (10) OJ L 138, 30.4.2004, p. 19.
- (11) OJ L 324, 29.11.2002, p. 1.’;
- (12) OJ L 255, 30.9.2005, p. 152.
- (13) OJ L 373, 31.12.1991, p. 29.’
- (14) OJ L 310, 25.11.2005, p. 28.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 7..