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Opinion

Title **Impact Assessment on the proposal for a directive of the European Parliament and of the Council on marine equipment, and repealing directive 96/98/EC**

(draft version of 17 July 2009)

Lead DG **DG TREN**

1) Impact Assessment Board Opinion

(A) Context

The Marine Equipment Directive 96/98/EC (MED) applies to marine equipment for use on board Community ships for which detailed testing standards exist in the international regulatory system (International Marine Organisation (IMO) and international and European standardisation bodies). The MED ensures uniform application of international instruments relating to marine equipment to enhance safety at sea, to prevent marine pollution, and to ensure the free movement of such equipment within the Community.

This impact assessment accompanies a proposal to (i) improve the functioning of MED by addressing the existing operational shortcomings, (ii) adapt the Directive to the reformed New Approach and (iii) simplify the existing system established by MED while respecting the specific features of the marine equipment domain. The proposal is part of the Commission's simplification rolling programme 2009. The legal basis of the proposal is Article 80 of the Treaty establishing the European Community.

(B) Positive aspects

The report provides a considerable amount of background information on the current regulatory regime in this area, and gives a number of well-chosen illustrative examples.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

General recommendation: The report needs substantial further work on a number of key aspects. It will need to be restructured to comply with the requirements of the IA Guidelines. The options section should include and describe all options that figure at any point in the analysis (including the composite option that is identified as the preferred one). The report should give a more central place to safety considerations and address the social impacts of the options. It should explain in more detail how the proposed revision will lead to simplification benefits for different actors.

During the IAB meeting, DG TREN broadly agreed to make the necessary changes in the impact assessment on this basis. Given the fundamental nature of these changes, the Board would like to examine and issue a new opinion on a revised report. The IAB secretariat will provide support in restructuring the report.

(1) Restructure the report in line with the IA Guidelines. The report should more closely follow the standard structure of Commission Impact Assessments. The different steps should be presented in a more balanced way. The problem definition should be made more concrete (by providing examples, indicating how important these issues are) and considerably shortened, by referring background information to an Annex. The market situation should be presented and the reasons for the unavailability of quantitative data explained. The sections on policy options, impacts, comparison of options and monitoring and evaluation should be strengthened. The report should present the logical links between elements of the problem, objectives and policy options more clearly.

(2) Present all options that are analysed – including the composite option that eventually comes out as the preferred one – in the options section. The preferred option, that has apparently been constructed after comparison of the costs and benefits of the original 4 options, should be integrated as a fifth option in the options and impacts sections of the report. Comparing the costs and benefits of this preferred option with the other alternatives will strengthen the conclusion of the report.

(3) Give a more central place to safety considerations and address social impacts. The report should put considerably more emphasis on safety considerations in relation to the proposed policy options. It should address the safety implications of the current regulatory regime, and analyse whether proposed policy options can and will lead to improvements in comparison with the current safety record.

(4) Explain in more detail how the proposed revision leads to simplification benefits for different actors. Considering that the proposal is part of the Commission Simplification Rolling Programme, the report should define simplification as a separate objective of this initiative, possibly on the level of specific objectives, and analyse simplification benefits for each of the options considered.

(D) Procedure and presentation

The length of the report should be brought closer to the recommended maximum of 30 pages, by moving part of the historical background information in the problem definition to an Annex.

2) IAB scrutiny process

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Author DG	DG TREN
External expertise used	No
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