



# Fiche de procédure

Basic information		
SYN - Cooperation procedure (historic)	1996/0231(SYN)	Procedure completed
Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)		
Subject 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<span>TRAN</span> Transport and Tourism		19/11/1996
		ARE <a href="#">NOVO BELENGUER Alfonso</a>	
	Former committee responsible		
Council of the European Union	<span>TRAN</span> Transport and Tourism		19/11/1996
		ARE <a href="#">NOVO BELENGUER Alfonso</a>	
	Council configuration	Meeting	Date
	Budget	<a href="#">2114</a>	17/07/1998
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2059</a>	10/12/1997
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1979</a>	13/12/1996
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1951</a>	03/10/1996

Key events			
23/09/1996	Legislative proposal published	COM(1996)0455	Summary
03/10/1996	Debate in Council	<a href="#">1951</a>	
23/10/1996	Committee referral announced in Parliament		
13/12/1996	Debate in Council	<a href="#">1979</a>	
26/02/1997	Vote in committee		Summary
26/02/1997	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0073/1997</a>	
23/04/1997	Debate in Parliament		Summary
24/04/1997	Decision by Parliament	T4-0203/1997	Summary

23/07/1997	Modified legislative proposal published	COM(1997)0344	Summary
11/12/1997	Council position published	<a href="#">11603/4/1997</a>	Summary
18/12/1997	Committee referral announced in Parliament, 2nd reading		
25/02/1998	Vote in committee, 2nd reading		Summary
25/02/1998	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0069/1998</a>	
10/03/1998	Debate in Parliament		Summary
11/03/1998	Decision by Parliament, 2nd reading	T4-0134/1998	Summary
14/05/1998	Modified legislative proposal published	COM(1998)0319	Summary
17/07/1998	Act adopted by Council after consultation of Parliament		
17/07/1998	End of procedure in Parliament		
01/08/1998	Final act published in Official Journal		

## Technical information

Procedure reference	1996/0231(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Legal basis	EC before Amsterdam E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/09592

## Documentation gateway

Legislative proposal		COM(1996)0455 <a href="#">OJ C 334 08.11.1996, p. 0011</a>	23/09/1996	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0073/1997</a> <a href="#">OJ C 115 14.04.1997, p. 0005</a>	26/02/1997	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0227/1997</a> <a href="#">OJ C 133 28.04.1997, p. 0007</a>	26/02/1997	ESC	Summary
Text adopted by Parliament, 1st reading/single reading		T4-0203/1997 <a href="#">OJ C 150 19.05.1997, p. 0014-0030</a>	24/04/1997	EP	Summary
Modified legislative proposal		COM(1997)0344 <a href="#">OJ C 264 30.08.1997, p. 0004</a>	23/07/1997	EC	Summary
Council position		<a href="#">11603/4/1997</a> <a href="#">OJ C 023 23.01.1998, p. 0006</a>	11/12/1997	CSL	Summary
Commission communication on Council's position		SEC(1997)2315	12/12/1997	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A4-0069/1998</a> <a href="#">OJ C 104 06.04.1998, p. 0006</a>	25/02/1998	EP	
Text adopted by Parliament, 2nd reading		T4-0134/1998 <a href="#">OJ C 104 06.04.1998, p. 0099-0117</a>	11/03/1998	EP	Summary

Modified legislative proposal		COM(1998)0319	14/05/1998	EC	Summary
Additional information					
European Commission	<a href="#">EUR-Lex</a>				
Final act					
<a href="#">Directive 1998/55</a> <a href="#">OJ L 215 01.08.1998, p. 0065</a> Summary					

## Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)

**OBJECTIVE:** To amend Directive 93/75/EEC, the aim of which is to improve prevention and remedial action in the event of circumstances at sea which might lead to accidents involving ships carrying dangerous or polluting goods. **SUBSTANCE:** The proposal for a Council directive aims to: - extend the scope of Directive 93/75/EEC to cover the carriage of irradiated nuclear fuel, plutonium and high-level radioactive waste in flasks on board ships; - supplement the information given in the annexes to the directive in the light of developments in international legislation (e.g. by including a reference to the IMO identification number, the purpose of which is to facilitate identification of vessels in order to enhance safety at sea and to protect the marine environment); - facilitate the amendment of those annexes in the light of developments in international legislation by applying the committee procedure. ?

## Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)

Within the Committee on Transport, there were 27 votes in favour and 2 against the report by Mr NOVO BELENGUER (ARE, E) on the proposed amendment of Directive 93/75/EC according to additional standards concerning the safety of maritime transport, as approved at international level. The rapporteur unreservedly supported the proposal's three objectives. Nonetheless, he expressed certain concerns: with regard to the scope of the directive, which did not cover vessels transporting dangerous goods whilst transiting the territorial waters of the Community, for example from Africa to Russia; with regard to the deadlock with the IMO concerning the restrictive requirements relating to the routes used for the transport of radioactive substances by sea. In this respect, Mr Novo Belenguer called on the Commission to coordinate the positions of the Member States on the initiative to be taken in the IMO, verifying which of the sea areas along the Community's coastline were particularly vulnerable. Furthermore, it proposed that all vessels (irrespective of whether or not they stopped at a Community port) should notify their intended route to the coastal Member States along the route. According to the rapporteur, the statistics justified this preventive measure as they demonstrated that half of all oil slicks in the past 30 years had occurred in the waters surrounding the Union. Some of the amendments tabled related to the carriage of dangerous substances on ships used to transport passengers. In the light of this problem, the Commission was called on to put forward a proposal strengthening checks on vessels transporting both dangerous substances and passengers in Community waters. Moreover, shipowners and ships' masters should have to notify the port state authorities of the number of crew members and publish a passenger list. ?

## Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)

In line with opinions expressed previously, and in particular those in its Opinion on the Communication on a Common Policy for Safety at Sea the Committee welcomes the present draft directive. As the carriage of radioactive materials by sea is increasing and the position of EU Member States regarding that transport is very important, the Committee thinks that the introduction of a reference to the INF Code in Article 2 of Directive 93/75/EEC is fully justified. The Committee is also of the opinion that due consideration should be given to the application of Directive 93/75/EEC, as modified by the present Directive, not only to vessels bound for or leaving Community ports, or staying at anchor in territorial waters of an EU Member State, but also to all vessels in transit in those territorial waters. Finally, the adoption of the committee procedure makes it easier to follow the evolution of international legislation. In terms of safety at sea and marine environment protection this evolution is currently very fast. ?

## Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)

The rapporteur stressed the urgent need to improve the transport conditions of hazardous (particularly radioactive) or polluting goods. He therefore proposed that the contents of the directive in question should be extended to vessels passing through Community waters, without prejudice, of course, to their right to innocent passage. Mr Belenguer also stressed the danger involved in transporting hazardous goods on boats also carrying passengers. In this case, the operator should at least be required to provide the list of passengers. Commissioner Kinnock said that Amendments Nos 8 and 9 could be accepted as they should improve emergency procedures in the event of an accident. However, he rejected Amendments Nos 1 and 3 which aimed to prohibit the transport of radioactive materials on board passenger ships as they were outside the scope of the directive which only dealt with notification requirements. For the same reason Amendments Nos 2, 10 and 11 had to be rejected. As for Amendments Nos 4, 5 and 6, these were already reflected in the proposed directive being discussed by the Council, known under the acronym of EuroRep. Amendment No 7 was also unacceptable as it would impose on national authorities a permanent obligation to exchange all this information which was only necessary in exceptional circumstances. Finally, Amendment No 12 also could not be accepted as this repeated the provisions of a proposed directive, adopted by the Commission the previous year, on the presence of the passenger list on board vessels.

## Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)

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In adopting the report by Mr Alfonso Novo Belenguer, (ARE; ES) the European Parliament amended the Commission proposal, calling in particular for : - a ban on radioactive material of any type being transported on board ships carrying passengers; - all vessels transporting dangerous or polluting goods, even if not stopping at a Community port, to notify the coastal Member States on route, before beginning the voyage, of all information listed in Annex 1. Concerning the transport of dangerous substances by passenger vessels, Parliament proposes tighter controls on the transportation of such materials with passengers in Community waters, and an obligation for ship-owners and ships' masters to notify the Port State authorities of the number of crew members and to publish a passenger list. ?

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The Commission's amended proposal took account of Parliament's amendments relating to: - the amendment of the first article of the draft directive, as this would facilitate subsequent amendments to the annexes to the directive under the committee procedure provided for by Directive 93/75/EC, with a view to taking account of future amendments of the International Maritime Organisation's INF code for the safe carriage of irradiated nuclear fuel, plutonium and high-level radioactive waste in flasks on board ships; - the amendment of Annex I on the requirement to inform the port state authorities of the number of crew on board. However, the Commission did not accept the amendments that did not come under the scope of the directive or that related to situations that were already covered in other legislative proposals. These included: - the amendment aimed at banning the transport of radioactive material on board ships carrying passengers; - the amendment stipulating that radioactive material may only be transported in containers meeting the latest IAEA standards; - the addition to the list of information included in Annex I of Directive 93/75/EEC involving various safety requirements and emergency measures relating to the carriage of radioactive material; - the extension of the notification requirements to cover vessels in transit; - the requirement for passenger ships carrying dangerous goods to possess a list of the passengers on board; - the requirement for Member States to systematically forward any information they receive to the relevant authorities in the other Member States involved. ?

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The Council's common position amends the definition of 'dangerous goods' which originally only referred to the International Maritime Dangerous Goods Code (IMDG) in order to clarify that it covers radioactive materials as referred to in the INF Code. It also requires ships to notify their INF Class. As a consequence the common position also provides for a definition of 'INF Code'. Moreover, the competences of the regulatory committee provided for under Directive 93/75/EEC have been extended so that it will be in a position: -to apply, for the purposes of the Directive, subsequent amendments to the INF Code which have entered into force; - to amend the Annexes in line with subsequent amendments to the relevant international conventions, codes and resolutions which have entered into force, but without broadening the scope of the Directive. The common position also amends Annex I (information on vessels carrying dangerous or polluting goods) and Annex II (check list for vessels) in the light of amendments to the relevant international instruments which have entered into force since the date of adoption of Directive 93/75/EEC. The Member States will have to comply with the Directive no later than 30 June 1998. The Council followed the Commission's amended proposal on all points, taking over in particular two of Parliament's amendments seeking to: - permit the application for the purposes of the Directive of subsequent amendments to the INF Code by using the committee procedure set up under Directive 93/75/EEC; - ensure that the authorities in charge of emergency response in the case of an accident or incident at sea involving a ship carrying hazardous materials have access to information on the number of crew on board. ?

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The Commission considers that the text of the common position is acceptable, since it respects the basic principles of the original and provides added value by the addition of new information, in particular in the Annexes to Directive 93/75/EEC. ?

## Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)

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The Committee has adopted the draft recommendation for second reading by Mr Alfonso NOVO BELENGUER (E, ERA) on the Council's common position on amending Directive 93/75/EEC concerning minimum requirements for vessels carrying dangerous or polluting goods. Since the adoption of this directive, the International Maritime organization IMO adopted a resolution on the safe carriage of irradiated nuclear fuel, plutonium and high-level radioactive wastes by ship. The current draft amending directive aims at including within the scope of Directive 93/75/EEC the requirements for these radioactive materials. The rapporteur had tabled a crucial amendment not accepted at first reading by Council on vessels transporting dangerous or polluting goods whilst transiting the EU without stopping at a Community port. The operators of such vessels should notify the coastal member states on route, before beginning the voyage. Mr NOVO BELENGUER also stressed that a number of member states have still not transposed the original directive into their national legislation. The Commission is currently opening infringement procedures against two member states whilst awaiting replies from two others, including that currently holding the Presidency of the EU.?

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Commissioner Flynn said that Amendments Nos 2 (introducing a reference to the INF Code of the International Maritime Organisation) and 4 on the committee procedure could be accepted. However, Amendments Nos 1 and 3 were not acceptable: the first, which also concerned the

committee procedure, was completely superfluous as the common position already stated that amendments adopted by committee could not alter the requirements of the directive; the second, which introduced a notification requirement for vessels in transit off the coast of Member States, could not be accepted for reasons of consistency.

## Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)

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In adopting the recommendation for second reading by Mr Alfonso NOVO BELENGUER (ARE, E), Parliament approved the common position whose purpose was: - to include within the scope of the 1993 Directive requirements for vessels carrying irradiated nuclear fuel, plutonium and highly radioactive waste; - to supplement the information provided to port authorities by inserting additional information in the technical annexes; - to facilitate the future amendment of the annexes by means of the comitology procedure. Parliament stated that the changes must not weaken the provisions concerning safety and protection of the marine environment. It called for operators of vessels transporting dangerous or polluting goods whilst transiting through the territorial waters of the Community without stopping at a Community port to notify their route to the coastal Member States en route before beginning the voyage. ?

## Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)

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In its re-examined proposal following Parliament's second reading, the Commission has incorporated two of the four amendments adopted by Parliament. These are the amendments on the new version of the INF code (International Maritime Organization code on safety rules for the transport of irradiated nuclear fuel, plutonium and high-level radioactive waste in flasks on board ships), which came into force on 1 January 1998 and not 1 January 1996 as stated in the common position. The Commission also accepts a general amendment ensuring that the level of environmental safety standards laid down in the directive will be maintained even if texts, conventions and codes are modified at international level. The other amendments were either redundant (notification obligation for vessels in transit in the territorial waters of the Member States) or inappropriate. ?

## Community ports: vessels carrying dangerous or polluting goods (amend. Directive 93/75/EEC)

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OBJECTIVE: To improve preventive measures and response in the event of incidents at sea which could lead to accidents involving ships transporting dangerous or polluting goods. COMMUNITY MEASURE: Council Directive 98/55/EC amending Directive 93/75/EEC concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods. SUBSTANCE: The amendment approved by the Council aims to: - specify that the directive covers certain radioactive materials as referred to in the INF code (IMO code for the safe carriage of irradiated nuclear fuel, plutonium, and high-level radioactive wastes in flasks on board ships); - amend the current annexes to Directive 93/75/EEC in line with developments in international law; - enable the Community procedure to be applied in order to amend the annexes to the directive in line with developments in international law with regard to safety at sea and environmental protection. ENTRY INTO FORCE: 21/08/1998. DEADLINE FOR TRANSPOSITION: 31/12/1998. ?