

Procedure file

| Basic information | | |
|--|--------------------------------|---------------------|
| SYN - Cooperation procedure (historic) | 1997/0215(SYN) | Procedure completed |
| Maritime safety, pollution: international standards for ships using community ports Repealed by 2005/0238(COD) Subject 3.20.03.01 Maritime safety 3.20.09 Ports policy | | |

| Key players | | | |
|-------------------------------|--|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | TRAN Transport and Tourism | | 29/10/1997 |
| | | UPE BAZIN Jean-Pierre | |
| | Former committee responsible | | |
| | TRAN Transport and Tourism | | 29/10/1997 |
| | | UPE BAZIN Jean-Pierre | |
| | Former committee for opinion | | |
| | ENVI Environment, Public Health and Consumer Protection | The committee decided not to give an opinion. | |
| Council of the European Union | Council configuration | Meeting | Date |
| | General Affairs | 2085 | 27/04/1998 |
| | Research | 2067 | 12/02/1998 |
| | Transport, Telecommunications and Energy | 2059 | 10/12/1997 |

| Key events | | | |
|------------|---|------------------------------|---------|
| 25/07/1997 | Legislative proposal published | COM(1997)0416 | Summary |
| 19/09/1997 | Committee referral announced in Parliament | | |
| 24/11/1997 | Vote in committee | | Summary |
| 24/11/1997 | Committee report tabled for plenary, 1st reading/single reading | A4-0369/1997 | |
| 04/12/1997 | Decision by Parliament | T4-0595/1997 | Summary |
| 12/02/1998 | Council position published | 05004/1/1998 | Summary |
| 19/02/1998 | Committee referral announced in Parliament, 2nd reading | | |
| | Vote in committee, 2nd reading | | Summary |

| | | | |
|------------|--|------------------------------|---------|
| 17/03/1998 | | | |
| 17/03/1998 | Committee recommendation tabled for plenary, 2nd reading | A4-0090/1998 | |
| 31/03/1998 | Decision by Parliament, 2nd reading | T4-0173/1998 | Summary |
| 27/04/1998 | Act adopted by Council after consultation of Parliament | | |
| 27/04/1998 | End of procedure in Parliament | | |
| 07/05/1998 | Final act published in Official Journal | | |

Technical information

| | |
|----------------------------|--|
| Procedure reference | 1997/0215(SYN) |
| Procedure type | SYN - Cooperation procedure (historic) |
| Procedure subtype | Legislation |
| | Repealed by 2005/0238(COD) |
| Legal basis | EC before Amsterdam E 084-p2 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | TRAN/4/09780 |

Documentation gateway

| | | | | |
|---|---|------------|-----|---------|
| Legislative proposal | COM(1997)0416 OJ C 264 30.08.1997, p. 0033 | 25/07/1997 | EC | Summary |
| Committee report tabled for plenary, 1st reading/single reading | A4-0369/1997 OJ C 388 22.12.1997, p. 0002 | 24/11/1997 | EP | |
| Text adopted by Parliament, 1st reading/single reading | T4-0595/1997 OJ C 388 22.12.1997, p. 0010-0016 | 04/12/1997 | EP | Summary |
| Economic and Social Committee: opinion, report | CES1393/1997 OJ C 073 09.03.1998, p. 0064 | 10/12/1997 | ESC | Summary |
| Council position | 05004/1/1998 OJ C 091 26.03.1998, p. 0028 | 12/02/1998 | CSL | Summary |
| Committee recommendation tabled for plenary, 2nd reading | A4-0090/1998 OJ C 138 04.05.1998, p. 0006 | 17/03/1998 | EP | |
| Text adopted by Parliament, 2nd reading | T4-0173/1998 OJ C 138 04.05.1998, p. 0018-0025 | 31/03/1998 | EP | Summary |
| Commission communication on Council's position | SEC(1998)0228 | 13/12/1998 | EC | Summary |

Additional information

| | |
|---------------------|-------------------------|
| European Commission | EUR-Lex |
|---------------------|-------------------------|

Final act

[Directive 1998/25](#)
[OJ L 133 07.05.1998, p. 0019](#) Summary

Maritime safety, pollution: international standards for ships using community ports

OBJECTIVE: to amend Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control). SUBSTANCE: the amendments proposed by the European Commission seek to : - adapt Directive 95/21/EC to recent amendments to the international conventions applicable for the purpose of the Directive: amendments to the Marpol and Solas Conventions and the 1995 amendments to the 1978 STCW Convention (conventions on standards of training, certification and watchkeeping for seafarers); - lay down specific procedures for ships not carrying the certificates issued under the IMO's ISM(International Management Code for the Safe Operation of Ships and for Pollution Prevention) Code on board; - facilitate adaption of the Directive to changes in international legislation by applying the committology procedure. ?

Maritime safety, pollution: international standards for ships using community ports

On behalf of the Committee, Mr Jean-Pierre BAZIN (F,UFE) will be welcoming the Commission's latest proposals on ship safety. These proposals are being drawn up advance of the 1 July 1998 deadline when the ISM (international Management Code for the Safe Operation of Ships) code will come into force for certain categories of sea going vessels. This code will require shipping companies to establish safety objectives and a safety management and marine environmental protection policy ashore and on board ship. However, it appears that many companies and ships will not have obtained or even begun the processe of obtaining ISM certificates. The current proposal therefore seeks to tackle this problem by establishing specific procedures for ships that do not carry ISM certificates. The intention is that : - any vessels that does not hold the required ISM certificates will be detained; - however, to avoid congestion in some ports, the detention may be lifted by competent authorities provided that there are no other serious defects; - vessels that have been allowed to leave port in these circumstances will be refused entry into any EU Port until the vessel operator has demonstrated to the autorities in the member state where detention was ordered that the vessels now has valid ISM certificates. Mr BAZIN welcomes the inclusion of the ISM Code in port state control as "probably the most effective means of progressively eliminating substandard ships". He is also pleased that the current proposal is sending a clear message to the shipping industry in general and that there are no plans for an extension of the 1 July 1998 deadline. He would therefore like to see the legislation introduced as soon as possible so that it can be in force in time for the July 1998 deadline. ?

Maritime safety, pollution: international standards for ships using community ports

In adopting without discussion the report by Mr Jean-Pierre BAZIN (UPE, F), the European Parliament has approved the adoption of an ISM Code (International Management Code for the Safe Operation of Ships).?

Maritime safety, pollution: international standards for ships using community ports

The Economic and Social Committee re-affirms its support for the ISM code as a major and important instrument for improving standards of maritime safety worldwide and welcomes the Commission's proposal to make detention of a vessel mandatory in the absence of a recognized document of compliance and safety management certificate, even if it recognizes that significant practical problems need to be overcome as the code initially enters into force. The Committee accepts the amendment to the Directive that permits Member States, at their discretion, to allow ships which do not comply on their first call at a Community port after 1 July 1998 to be released from detention and to continue their voyages, but only to ports outside the Community. It emphasizes that apart from this single proviso there should be no further derogations of any sort and the provisions of the proposed new Article 9(a) should be strictly complied with. The Committee considers that it is of the utmost importance that the Port State Control provisions should be applied in a uniform manner throughout the Community so that owners are not tempted to send ships which do not totally comply with the requirements to ports where they perceive that a more lax inspection regime is applied. As a more general point the Committee believes that confirmation that a ship carries this and the other necessary documentation required under the Port State Control procedures might be facilitated by the adoption of a pre-notification procedure and suggests that this might be the subject of further study by the Commission with a view to its possible development within the IMO. ?

Maritime safety, pollution: international standards for ships using community ports

The common position established by the Council largely corresponds to the Commission proposal. The proposal for a directive changes the reference dates in terms of Directive 95/21/EC to take account of the amendments to the Paris memorandum of understanding on port state control (entered into force on 14 January 1998). In addition a new provision has been inserted seeking to : - ensure that vessels unable to present 'a document of compliance' or 'safety management certificate' issued in accordance with the ISM Code are detained; - enable Member States to lift such a detention order provided that no other deficiencies warranting attention have been found and that this measure is necessary in order to avoid port congestion; - ensure that vessels which have been allowed to leave the port under these conditions are in principle refused access to all Community ports until they are able to prove compliance with the ISM Code. Finally, the common position sets out more precisely the scope of the committee procedure in the event of any future amendments to international conventions and the memorandum of understanding. ?

Maritime safety, pollution: international standards for ships using community ports

At 4 December 1977, Parliament delivered its opinion at first reading on the proposal for a Council Directive amending Council Directive 95/21/EC concerning the enforcement, in respect of ships using EU ports and sailing in the waters under the jurisdiction of the member states, of international standards for ship safety, pollution prevention and shipboard living and working conditions (Port State Control). The date of 1

July 1998 mentioned in the proposal will allow the substantial amendments made in 1995 to the Convention on the training and qualifications of seafarers to apply. It also coincides with the date the ISM, the international management code for the safe operation of ships will come into force for certain categories of vessels. The updating of this directive is essential, to take account of developments in international legislation. Rapporteur Jean-Pierre BAZIN (F, UPE) welcomes the common position of the Council. He recommends the EP to accept Council's changes to the directive, which are simply editorial changes and clarifications. The main aim in amending the directive is to send flag States, shipowners and operators and the shipping world in general a strong and clear political signal: the Community will not be extending the internationally-set deadline. At the same time, the proposal seeks to establish specific procedure for vessels not carrying ISM certificates. The proposal is one of a wide range of measures the EU has introduced during the last two, three years to improve safety in Community waters. ?

Maritime safety, pollution: international standards for ships using community ports

Parliament approved the common position (procedure without debate). ?

Maritime safety, pollution: international standards for ships using community ports

OBJECTIVE: to update Directive 95/21/EC in order to take account of recent amendments to the international conventions applicable for the purposes of the directive: amendments to the MARPOL and SOLAS Conventions and 1995 amendments to the 1978 STCW Convention (conventions on standards of training, certification and watchkeeping for seafarers). OBJECTIVE: Council Directive 95/21/EC concerning the enforcement, in respect of ships using EU ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port state control). CONTENT: the amendments introduced by the directive seek to: - extend port state control to take account of recent amendments to the MARPOL, SOLAS and STCW Conventions; - oblige Member States to ensure that ships using their ports comply with the International Management Code for the Safe Operation of Ships and Pollution Prevention (ISM Code); - introduce specific procedures for detaining ships not carrying a copy of the document of compliance or safety management certificate issued under the ISM Code, taking account of the fact that many companies and ships will not have an ISM certificate on 1 July 1998, when the ISM Code enters into force; - stipulate the powers granted under the committee procedure where amendments are made to international conventions at a later date. ENTRY INTO FORCE: 7 May 1998 DEADLINE FOR TRANSPOSITION: 1 July 1998.?

Maritime safety, pollution: international standards for ships using community ports

The Commission is of the opinion that the text of the common position is acceptable since it is in line with the basic principles embodied in the original and provides useful clarification on the application of the proposed provisions. ?