

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Maritime safety, pollution: international standards for ships using community ports Repealed by 2005/0238(COD) Subject 3.20.03.01 Maritime safety 3.20.09 Ports policy		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		29/10/1997
	TRAN Transport and Tourism		
		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		
17/03/1998	Vote in committee, 2nd reading		Summary
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	Repealed by 2005/0238(COD)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 draft report	PE223.910	05/11/1997	EP	
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	
Committee draft report	PE226.032	17/03/1998	EP	
Amendments tabled in committee	PE226.032/AM	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
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Final act

Directive 1998/25 OJ L 133 07.05.1998, p. 0019 Summary

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 committee 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 in 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 process 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 authorities 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).?

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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. ?

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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. ?

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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.?

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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. ?