


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1998/0159(COD) Procedure lapsed or withdrawn
Regular passenger and ferry services: manning conditions	
Subject 3.20.03 Maritime transport: passengers and freight 3.20.10 Transport undertakings, transport industry employees	

Key players			
European Parliament			
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2324</a>	20/12/2000
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2142</a>	30/11/1998
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2108</a>	17/06/1998
European Commission	Commission DG Energy and Transport	Commissioner	

Key events			
28/04/1998	Legislative proposal published	COM(1998)0251	Summary
17/06/1998	Debate in Council	<a href="#">2108</a>	
14/09/1998	Committee referral announced in Parliament, 1st reading		
30/11/1998	Debate in Council	<a href="#">2142</a>	
17/02/1999	Vote in committee, 1st reading		Summary
16/02/1999	Committee report tabled for plenary, 1st reading	<a href="#">A4-0075/1999</a>	
12/03/1999	Debate in Parliament		
12/03/1999	Decision by Parliament, 1st reading	T4-0203/1999	Summary
28/07/1999	Vote in committee, 1st reading		
27/07/1999	Committee report tabled for plenary confirming Parliament's position	<a href="#">A5-0005/1999</a>	
16/09/1999	Decision by Parliament, 1st reading	<a href="#">T5-0015/1999</a>	Summary
12/07/2000	Modified legislative proposal published	COM(2000)0437	Summary

20/12/2000	Debate in Council	<a href="#">2324</a>	
06/08/2004	Additional information		Summary

### Technical information

Procedure reference	1998/0159(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	RETT/4/10963; TRAN/4/10327

### Documentation gateway

Legislative proposal	COM(1998)0251	29/04/1998	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES1436/1998</a> <a href="#">OJ C 040 15.12.1999, p. 0003</a>	02/12/1998	ESC	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0075/1999</a> <a href="#">OJ C 175 21.06.1999, p. 0004</a>	17/02/1999	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0203/1999 <a href="#">OJ C 175 21.06.1999, p. 0417-0440</a>	12/03/1999	EP	Summary
Reconsultation	SEC(1999)0581	28/04/1999	EC	
Committee final report tabled for plenary, 1st reading/single reading	<a href="#">A5-0005/1999</a> <a href="#">OJ C 054 25.02.2000, p. 0010</a>	28/07/1999	EP	
Text adopted by Parliament confirming position adopted at 1st reading	<a href="#">T5-0015/1999</a> <a href="#">OJ C 054 25.02.2000, p. 0056-0079</a>	16/09/1999	EP	Summary
Document attached to the procedure	SEC(2000)0377	25/02/2000	EC	
Modified legislative proposal	COM(2000)0437 <a href="#">OJ C 337 28.11.2000, p. 0214 E</a>	13/07/2000	EC	Summary

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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## Regular passenger and ferry services: manning conditions

**PURPOSE:** the proposal for a directive has two objectives: - to ensure fair competition conditions/level playing field for all providers of regular passenger-ferry services between Member States; - to protect the employment of Community seafarers by guaranteeing that the terms and conditions of employment of all seafaring personnel in this trade will be in line with the level of the standards generally applicable in the Community. **CONTENT:** the proposal, which is accompanied by a Commission communication, deals with the working conditions of third-country nationals employed on ferries which provide regular passenger services within Member States. The proposal provides that third-country nationals employed on board ships under Member States' flags shall be treated in a similar way as residents of Member States employed on board these ships (flag-state conditions). In the case of ferries under third-country flags, the labour conditions of such crew members shall be in line with those applicable to residents of Member States in the Member State with which the service is most closely connected (host State). The terms and conditions of employment guaranteed to third-country nationals under this proposal will cover the following matters: maximum work periods and minimum rest periods, minimum annual paid holiday, minimum rates of pay, including overtime rates, health safety and hygiene at work, protective measures with regard to pregnant women, children and young people, equality of men and

women, measures for the repatriation of seafarers and the payment of outstanding salary and social contributions in the event of the insolvency of their employer. The proposal allows for a derogation from this principle for third-country workers who stay for an insignificant short period in the Community.?

## Regular passenger and ferry services: manning conditions

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This report concerns the following Commission proposals: - on applying the principle of freedom of services to maritime transport within member states (maritime cabotage) amending Regulation 3577/92. The situation of Community seafarers has worsened in the last decades, the employment trend going down continuously. This situation is the result mainly of flagging out, labour saving measures and cheaper labour from third countries. The cargo system seems to have been more heavily influenced by these changes but the trend could spread to the passenger ferry sector. Against this background, the Commission proposes to amend the Regulation mentioned above on maritime cabotage to ensure that third country seafarers receive equal treatment with Community seafarers eliminating thus any possibility for social dumping. ?

## Regular passenger and ferry services: manning conditions

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The Parliament approved the text of the Commission's proposal subject to a few amendments. The Rapporteur was Ms. Anne McIntosh (EPP, UK). Among the amendments is one designed to impose a ban on allowing sailors to live permanently on board ships where they are working. The Parliament also sought to ensure that the Directive would not apply to exclusively cargo-carrying vessels engaged in trade between ports situated in different Member States. It also clarified the definition of a 'passenger ship' as being a sea-going vessel which carries more than 12 passengers. A further amendment would ensure that the Parliament and the Council, acting in co-decision on a proposal from the Commission, shall adopt, by 31 December 1999, a decision establishing an action programme at EU level for attracting young people to the maritime profession, including specific training targets, as well as the resources for funding that programme. ?

## Regular passenger and ferry services: manning conditions

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The European Parliament confirmed its first reading in the context of the codecision procedure of the text that it adopted on 12.03.1999 concerning this proposal for a regulation.?

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On April 29 1998, the Commission presented to the Council a communication on a common policy on manning of regular passenger and ferry services operating in and between Member States. The Communication included two attached proposals, one for a Council Regulation and the other for a Council Directive. As regards the proposal for a Directive, the European Parliament, although endorsing the proposal as a whole, adopted 5 amendments. The Commission on the other hand, accepted only 2 of these amendments which relate in particular to vessels carrying cargo only, they should be expressly excluded from the scope of the Directive even when more than 12 drivers accompany their vehicles on this type of vessel. The other amendment accepted by the Commission concerns the submission of a report to the Council from the Commission on the possible impact of the application of the Directive. The Commission did not, however, accept the amendments which relate in particular to: - employment contracts; - the permanent residence of seafarers on board the vessels where they are employed as this is a matter for national law; - the employment, training, treatment and funding of seafarers and the promotion of the maritime profession to young people as these issues will be analysed in a separate communication currently being drawn up by the Commission. In addition, the Commission has made amendments to the text which will simplify the application of the Directive; provide for Member States to ensure that the shipping companies in question apply those conditions, referred to in paragraph 2, to seafarers who are nationals of third countries; clarify the Member States' responsibility for ensuring that shipowners operating regular services between Member States comply with the Directive; change the deadline for the application of provisions by the Member States to comply with the Directive. ?

## Regular passenger and ferry services: manning conditions

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As this proposal is no longer of topical interest, it has been withdrawn by the Commission.