

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1998/0321(COD) Procedure completed
Maritime transport: seafarers, hours of work on board ships using Community ports	
Subject 3.15.08 Fishing enterprises, fishermen, working conditions on board 3.20.10 Transport undertakings, transport industry employees	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	EMPL Employment and Social Affairs	PSE HUGHES Stephen	01/09/1999
	Former committee for opinion		
	TRAN Transport and Tourism	PSE SIMPSON Brian	20/01/1999
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	2196	12/07/1999
	Social Affairs	2182	25/05/1999
	Social Affairs	2164	09/03/1999

Key events			
24/11/1998	Legislative proposal published	COM(1998)0662	Summary
15/01/1999	Committee referral announced in Parliament, 1st reading		
09/03/1999	Debate in Council	2164	
31/03/1999	Vote in committee, 1st reading		Summary
31/03/1999	Committee report tabled for plenary, 1st reading	A4-0187/1999	
14/04/1999	Decision by Parliament, 1st reading	T4-0305/1999	Summary
05/05/1999	Vote in committee, 1st reading		
06/05/1999	Decision by Parliament, 1st reading	T4-0417/1999	Summary
12/07/1999	Council position published	08639/1/1999	Summary

23/07/1999	Committee referral announced in Parliament, 2nd reading		
14/10/1999	Vote in committee, 2nd reading		Summary
14/10/1999	Committee recommendation tabled for plenary, 2nd reading	A5-0042/1999	
03/11/1999	Debate in Parliament		
04/11/1999	Decision by Parliament, 2nd reading	T5-0089/1999	Summary
13/12/1999	Final act signed		
13/12/1999	End of procedure in Parliament		
20/01/2000	Final act published in Official Journal		

Technical information

Procedure reference	1998/0321(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 050; EC Treaty (after Amsterdam) EC 080-p2; Rules of Procedure EP 52-p1
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/4/11101

Documentation gateway

Legislative proposal	COM(1998)0662	24/11/1998	EC	Summary
Economic and Social Committee: opinion, report	CES0332/1999 OJ C 318 18.05.1999, p. 0033	25/03/1999	ESC	
Committee report tabled for plenary, 1st reading/single reading	A4-0187/1999 OJ C 219 30.07.1999, p. 0008	31/03/1999	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0305/1999 OJ C 219 30.07.1999, p. 0174-0240	14/04/1999	EP	Summary
Reconsultation	SEC(1999)0581	28/04/1999	EC	
Text adopted by Parliament confirming position adopted at 1st reading	T4-0417/1999 OJ C 279 01.10.1999, p. 0252-0271	06/05/1999	EP	Summary
Council position	08639/1/1999 OJ C 249 01.09.1999, p. 0007	12/07/1999	CSL	Summary
Commission communication on Council's position	SEC(1999)1192	16/07/1999	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0042/1999 OJ C 158 07.06.2000, p. 0009	14/10/1999	EP	
Text adopted by Parliament, 2nd reading	T5-0089/1999 OJ C 158 07.06.2000, p. 0010-0032	04/11/1999	EP	Summary

Additional information

Final act

[Directive 1999/95](#)
[OJ L 014 20.01.2000, p. 0029](#) Summary

Maritime transport: seafarers, hours of work on board ships using Community ports

PURPOSE: to propose a Council directive on the enforcement of seafarers' hours of work on board ships using Community ports. **CONTENT:** this directive requires Member States to take action against any ship which is judged - by the failure to display shipboard working arrangements or seafarers' records of hours of work or rest, or indications that workers on board are unduly fatigued - not to conform with the standards detailed in the MWT directive. Member States are required to take measures to rectify these deficiencies, and if necessary prohibit the ship from leaving the port until they have been, and make a report to the relevant authorities. This action is subject to appeal and compensation for undue delay. The directive will be enforceable, even for ships from a State which has not ratified ILO Convention No. 180 or the Protocol to ILO Convention No. 147. Member States are required to have taken all measures to allow transposition of this directive into national law by 30th June 2001. The U.K. is exempted from this directive, as it is not party to protocol No. 14 on Social Policy.?

Maritime transport: seafarers, hours of work on board ships using Community ports

The Committee has endorsed the report on sectors excluded from Directive 93/104/EC on working time. The committee backed a package which consists of four proposals for directives but made several amendments to the horizontal directive and the proposal on the organisation of working time in road transport. Hugh McMAHON (PES, UK), rapporteur on the organisation of working time for road transport workers and seafarers, welcomed the Commission's decision to include self-employed drivers within the scope of the directive on working time in road transport. He pointed out that there seemed to be a trend among big transport companies to turn their employed drivers into sub-contractors in order to avoid complying with health and safety regulations. The committee clarified the definitions of working time, night workers and self-employed drivers. "Standby duty", it said, should be counted as working time even for self-employed drivers, as should monitoring of loading/unloading and time devoted to administrative formalities. MEPs were willing to allow the social partners to reach agreement on derogations concerning maximum weekly working time and rest periods, provided the workers were granted equivalent compensatory rest periods. The committee stressed that all working hours should be properly monitored, not just the working time of those doing more than 48 hours a week. Member States should carry out checks on working and driving times equivalent to at least 2% of all the working days in the industry.?

Maritime transport: seafarers, hours of work on board ships using Community ports

At first reading under cooperation procedure, the European Parliament approved the report by Hugh R. McMahon (PSE,UK), which approves the Commission proposal for a Council directive concerning the enforcement of seafarers' hours of work on board ships using Community ports.?

Maritime transport: seafarers, hours of work on board ships using Community ports

Following the entry into force of the Treaty of Amsterdam on 01/05/99, the European Parliament confirmed as its first reading under codecision procedure its vote of 14/04/99 on the proposal for a European Parliament and Council directive concerning the enforcement of seafarers' hours of work on board ships using Community ports.?

Maritime transport: seafarers, hours of work on board ships using Community ports

The Council's common position follows the Commission's initial proposal very closely except in three respects: 1) Those provisions of the Agreement of the Social Partners which do not reflect ILO Convention no. 180 (clauses 13 to 16) will not be inspected in the ports of the Member States. Member States are to take appropriate measures to ensure that clauses 1-12 of the Agreement annexed to Directive 99/63/EC are complied with on board ships which are not registered in the territory of the Member State carrying out the inspections or not flying the flag of that Member State. 2) Changes to the definitions and some clarifications in certain articles e.g. 'ships' and 'complaints'. 3) The implementation period is extended by one year, i.e. to 30 June 2002.?

Maritime transport: seafarers, hours of work on board ships using Community ports

The Commission welcomes the fact that, like the Parliament, the Council has reached a common position in good time, which is fully supportive of the Commission's proposal and which contains no substantial amendments.?

Maritime transport: seafarers, hours of work on board ships using Community ports

The committee adopted the draft recommendation for second reading (codecision procedure) by its rapporteur Stephen HUGHES (PES, UK) approving the Council's common position without any amendments. It felt that the various technical or linguistic changes which the Council had made to the original proposal had helped to improve the text overall. Although the Council had moved the date of implementation back 12 months to 30 June 2002, this paralleled the change in implementation date made in the directive implementing the social partners' agreement on seafarers' working hours, and the committee therefore had no objections to it.

Maritime transport: seafarers, hours of work on board ships using Community ports

In adopting the recommendation for the second reading drafted by Mr. Stephen Highes (PES, UK) on seafarers' hours of work, the EP approved the Council of Ministers common position without amendment. Thus, the three regulatory measures regarding seafarers will enter into force simulataneously.?

Maritime transport: seafarers, hours of work on board ships using Community ports

OBJECTIVE : To provide a mechanism for the verification and enforcement of compliance by ships calling at ports of Member States with Directive 1999/63/EC in order to improve maritime safety, working conditions and the health and safety of seafarers on board ships.
COMMUNITY MEASURE : Directive 1999/95/EC of the European Parliament and the Council concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports. SUBSTANCE : This Directive complements the Agreement reached by the social partners of the Community's shipping industry. - It is aimed at establishing fair conditions of operation for ships flying the flag of third countries when they operate in Community waters. - It applies the provisions of certain ILO Conventions specified in Directive 1999/63/EC to any ship calling at the port of a Member state irrespective of the flag it flies. - National authorities will be able to verify compliance, in order to ensure safety and to avoid distortions of competition. - The basis for establishing whether a ship conforms to the standards will be a mandatory table with working arrangements on board and mandatory records of seafarers hours of work or hours of rest. - If a ship does not conform, Member States will take measures to rectify the situation, such as prohibiting the ship from leaving until deficiencies are rectified. ENTRY INTO FORCE IN MEMBER STATES : No later than 30 June 2002.?