

Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1993/0481(SYN)	Procedure completed
IMO Resolution A 747/18 on the application of tonnage measurement in segregated ballast oil tankers Amended by 2000/0236(COD)		
Subject 3.20.03 Maritime transport: passengers and freight		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	PPE SARLIS Pavlos	26/07/1994
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	1803	21/11/1994
	Economic and Financial Affairs ECOFIN	1782	19/09/1994
	Transport, Telecommunications and Energy	1768	13/06/1994

Key events			
08/12/1993	Legislative proposal published	COM(1993)0468	Summary
07/02/1994	Committee referral announced in Parliament		
06/04/1994	Vote in committee		Summary
06/04/1994	Committee report tabled for plenary, 1st reading/single reading	A3-0221/1994	
02/05/1994	Debate in Parliament		
03/05/1994	Decision by Parliament	T3-0379/1994	Summary
02/06/1994	Modified legislative proposal published	COM(1994)0239	Summary
19/09/1994	Council position published	08194/1994	Summary
28/09/1994	Committee referral announced in Parliament, 2nd reading		
25/10/1994	Vote in committee, 2nd reading		Summary
25/10/1994	Committee recommendation tabled for plenary, 2nd reading	A4-0041/1994	
15/11/1994	Debate in Parliament		

			
16/11/1994	Decision by Parliament, 2nd reading	T4-0109/1994	Summary
21/11/1994	Act adopted by Council after consultation of Parliament		
21/11/1994	End of procedure in Parliament		
12/12/1994	Final act published in Official Journal		

Technical information

Procedure reference	1993/0481(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amended by 2000/0236(COD)
Legal basis	EC before Amsterdam E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/05958

Documentation gateway

Legislative proposal	COM(1993)0468 OJ C 005 07.01.1994, p. 0004	08/12/1993	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A3-0221/1994 OJ C 128 09.05.1994, p. 0010	06/04/1994	EP	
Text adopted by Parliament, 1st reading/single reading	T3-0379/1994 OJ C 205 25.07.1994, p. 0031-0058	03/05/1994	EP	Summary
Economic and Social Committee: opinion, report	CES0746/1994 OJ C 295 22.10.1994, p. 0026	01/06/1994	ESC	Summary
Modified legislative proposal	COM(1994)0239 OJ C 192 15.07.1994, p. 0018	02/06/1994	EC	Summary
Council position	08194/1994 OJ C 301 27.10.1994, p. 0034	19/09/1994	CSL	Summary
Commission communication on Council's position	SEC(1994)1495	26/09/1994	EC	
Committee recommendation tabled for plenary, 2nd reading	A4-0041/1994 OJ C 341 05.12.1994, p. 0005	25/10/1994	EP	
Text adopted by Parliament, 2nd reading	T4-0109/1994 OJ C 341 05.12.1994, p. 0063-0070	16/11/1994	EP	Summary

Final act

[Regulation 1994/2978](#)
[OJ L 319 12.12.1994, p. 0001](#) Summary

The purpose of this proposal for a regulation was the implementation within the Community of resolution A.722/17 of the International Maritime Organisation (IMO) on the tonnage measurement of ballast tanks on board segregated ballast oil tankers, which were currently penalised in terms of port dues since, capacity for capacity, their registered tonnage was greater than that of conventional, 'dirtier' tankers. Under the proposal: - only oil tankers meeting the definition of MARPOL Convention 73/78 on the replacement of ballast water should be considered as segregated ballast oil tankers, and should be clearly identified as such; - any vessel meeting this definition should be certified as a segregated ballast oil tanker and this should be recorded on its international oil pollution prevention certificate; - the vessel's registered tonnage should be calculated in accordance with the rules of the 1969 International Convention on Tonnage Measurement of Ships and a formula set out in the Annex to the directive. The figure arrived at should be entered on the vessel's international tonnage certificate by the body issuing it, under the heading 'remarks'; - the body calculating the dues payable by the oil tanker should deduct from the vessel's gross registered tonnage the capacity of the segregated ballast tanks of the vessel equipped with such tanks, as indicated under the heading 'remarks' in the vessel's international tonnage certificate. ?

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The Parliamentary Committee adopted the draft report by Mr Sarlis. ?

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Adopting the report by Mr SARLIS (PPE, EL), the European Parliament approved this proposal for a regulation subject to the following amendments: - it considered that tonnage-based dues for separate ballast tanks not used to carry cargo on tankers was an unjustifiable surcharge; - it also considered that the port authorities prepared to apply the IMO resolution should not be at a competitive disadvantage, - it therefore called on the port and pilot authorities to exclude the gross registered tonnage of separate ballast tanks when calculating the dues payable by oil tankers (calculation carried out integrally or otherwise on the basis of the overall carrying capacity of the vessel). Instead of applying this calculation, they may adopt a system whereby these oil tankers are granted a discount on the dues payable, provided that there is a difference of at least 20% between the dues payable by these tankers and the dues payable by oil tankers without separate ballast tanks.?

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The Commission's amended proposal incorporates the three amendments adopted by the European Parliament.?

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The Council common position incorporates two of the three amendments adopted by the European Parliament at first reading and rejects the amendment seeking to ensure that port authorities which apply the IMO resolution are not at a competitive disadvantage. The other two amendments were accepted subject to certain changes. As regards the idea of a discount on dues payable by oil tankers with separate ballast tanks, the Council prefers to introduce lower dues for SBT and considers that the difference between the dues payable by oil tankers with and oil tankers without separate ballast tanks should be 17% rather than the 20% proposed by Parliament. Finally, the Council has introduced a period of adjustment in order to arrive at the figure of 17%. At the same time, the Council has introduced new amendments to the regulation as follows: - the regulation is addressed to port and pilot authorities, - port authorities which do not calculate dues on the basis of the gross registered tonnage must not penalize SBT, - the type I committee has been replaced by a type IIIb committee, - all references to sanctions in the event of failure to apply the regulation have been deleted, - provision has been made for an evaluation report on the payment of differentiated dues to be presented to the European Parliament and the Council by 31 December 1998.?

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The draft recommendation for a second reading has been adopted. EP, Council and Commission agree on the substance of the regulation, which aims to encourage the use of safer and environmentally friendly oil tankers to transport liquid fuels to and from the EU through harmonized implementation by the Member States of the above mentioned IMO resolution. This resolution provides that oil tankers with

segregated ballast tanks pay reduced port and light dues in EU ports. The reduction is proportionate to the volume of the segregated ballast tanks, which should not be used for transporting cargo. Rapporteur agrees with the Council's common position. He believes that the aim of the IMO resolution is achieved by this common position, which has obviously taken account of the particular circumstances of ports in the EU.

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The European Parliament approved the Council common position without amendment.?

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The Council regulation seeks to implement International Maritime Organisation (IMO) regulation A.722/17 on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers in the Community. These tankers are currently penalised, especially as regards port dues, because they have a higher gross registered tonnage, but the same capacity, as more polluting classical tankers. Content of the regulation: - only oil tankers which comply with the definition of segregated ballast in the MARPOL 73/78 convention qualify and are clearly identified as oil tankers with segregated ballast tanks; - any ship which complies with this definition must be certified as an oil tanker with segregated ballast tanks and mention must be made on its international certificate for the prevention of pollution by hydrocarbons; - the gross registered tonnage will be calculated in accordance with the 1969 international convention on the gross registered tonnage of ships, using a formula set out in the annex to the directive. The figure obtained will be entered under the heading "Remarks" on the international tonnage certificate for the ship by the competent body issuing the certificate; - the authorities which set the fees payable by oil tankers will deduct the tonnage of the segregated ballast tanks from the gross registered tonnage of oil tankers with segregated ballast tanks, as stated under "Remarks" on the ship's international tonnage certificate. Date of entry into force of the Regulation: 1 January 1996.?