Basic information

1994/0068(SYN) SYN - Cooperation procedure (historic)	Procedure completed
Maritime safety: enforcement of international standards in respect of shipping using Community ports Repealed by 2005/0238(COD) Amended by 2000/0065(COD) Amended by 2000/0237(COD) **Subject** 3.20.03.01 Maritime safety 3.20.09 Ports policy	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	JARZEMBOWSKI Georg (PPE)	26/07/1994

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	1857	1995-06-19
Transport, Telecommunications and Energy	1803	1994-11-22
Transport, Telecommunications and Energy	1834	1995-03-14

Key events

Date	Event	Reference	Summary
16/03/1994	Legislative proposal published	COM(1994)0073	Summary
18/04/1994	Committee referral announced in Parliament		
11/10/1994	Vote in committee		Summary
11/10/1994	Committee report tabled for plenary, 1st reading/single reading	A4-0026/1994	
27/10/1994	Debate in Parliament		
15/11/1994	Modified legislative proposal published	COM(1994)0501	Summary
14/03/1995	Council position published	12125/1/1994	Summary
05/04/1995	Committee referral announced in Parliament, 2nd reading		
18/04/1995	Vote in committee, 2nd reading		Summary
18/04/1995	Committee recommendation tabled for plenary, 2nd reading	A4-0085/1995	

16/05/1995	Debate in Parliament		Summary
19/06/1995	Act adopted by Council after consultation of Parliament		Summary
19/06/1995	Modified legislative proposal published	COM(1995)0301	
19/06/1995	End of procedure in Parliament		
07/07/1995	Final act published in Official Journal		

Technical information

Procedure reference	1994/0068(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Repealed by 2005/0238(COD) Amended by 2000/0065(COD) Amended by 2000/0237(COD)
Legal basis	EC Treaty (before Amsterdam) E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/06459

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0026/1994 OJ C 323 21.11.1994, p. 0005	11/10/1994	
Committee recommendation tabled for plenary, 2nd reading		A4-0085/1995 OJ C 126 22.05.1995, p. 0004	18/04/1995	

Council of the EU

Document type	Reference	Date	Summary
Council position	12125/1/1994 OJ C 093 13.04.1995, p. 0025	14/03/1995	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1994)0073 OJ C 107 15.04.1994, p. 0014	16/03/1994	Summary
Modified legislative proposal	COM(1994)0501 OJ C 347 08.12.1994, p. 0015	15/11/1994	Summary

Commission communication on Council's position	SEC(1995)0331	03/04/1995	
Modified legislative proposal	COM(1995)0301	19/06/1995	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1004/1994 OJ C 393 31.12.1994, p. 0050	14/09/1994	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 1995/0021
OJ L 157 07.07.1995, p. 0001 Summary

Maritime safety: enforcement of international standards in respect of shipping using Community ports

1994/0068(SYN) - 19/06/1995

The purpose of the Directive is, in particular, to enhance the effectiveness of the Memorandum of Understanding on Port State Control signed in Paris in 1982. In that context it lays down common criteria for the selection of vessels for checking and standardises the procedure for the inspection and detention, taking account, in particular, of the undertakings given by the shipping authorities of the Member States within the framework of the Memorandum of Understanding.

Maritime safety: enforcement of international standards in respect of shipping using Community ports

1994/0068(SYN) - 14/03/1995 - Council position

The Council common position follows the Commission proposal and incorporates most of the European Parliament's amendments. In detail, the common position requires: - the total number of inspections to correspond to at least 25% of the number of ships entering the ports of each Member States during a typical year; - stricter inspections to be carried out if there is a likelihood of identifying irregularities on board; - priority inspections to be carried out on certain categories of ships; - detailed inspections to be carried out where there are clear grounds for believing that a ship does not meet international standards; - enhanced controls to be carried out on certain categories of ship where there are clear grounds for doing so; - ships with deficiencies which are clearly hazardous to safety, health or the environment to be detained or operation prohibited; - ships which refuse to comply with a request by a Member State to comply with international standards to be refused access to all Community ports; - ships frequently detained to be entered on a black list; - the competent authorities to cooperate and exchange information on ships using their ports; - the competent authorities to publish quarterly lists of ships detained. The main amendments incorporated by the Council concerned: - enhanced inspections to be carried out on passenger ships providing regular services between Member States; - the professional qualifications of inspectors. The Council also amended the proposal by: - defining a surveyor inspector as a "civil servant "; - making a distinction between "detention" and "prohibited operation"; - changing the scope of the directive: controls by the port state should apply in all ports, including inland ports, offshore installations in service on the continental shelf of a Member State and ships anchored off such ports or offshore terminals; - changing the provisions governing enhanced inspections for certain categories of ships (old ships and passenger ships); - introducing a new provision allowing the inspection to be suspended and corrective action demanded as and when it becomes clear that the general state of the ship is not up to standard; - increasing the number of cases in which a ship

which does not comply and has been refused access may be admitted in order to prevent accidents and coastal pollution; - defining oil tankers subject to enhanced inspections more accurately.

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1994/0068(SYN) - 27/10/1994 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved the Commission's proposal subject to 18 amendments seeking to: - extend inspections to the crew's living and working conditions, - make provision for an exchange of information on the techniques implemented by the Member States in order to monitor agencies which have carried out too few inspections, - ensure that Member States provide the authorities responsible for carrying out inspections with the equipment and staff needed in order to perform the duties for which provision is made in the directive, - extend the scope of inspections to ships entering the port of a Member State and to ships cruising in the territorial waters of the Member States, - extend the recognition of provisional certificates of inspections carried out in other Member States party to the memorandum, - abolish the powers granted to the Commission to decide on the procedure for detailed inspections, - allow the authority of one of the Member States affected to carry out enhanced controls on passengers ships providing regular services between Member States, - increase the information provided by the competent authority to the master of a ship subject to inspection, - strengthen information instruments available to the authorities of the Member States and guarantee that the operation of the ship is not obstructed abusively by making provision for compensation in the event of prolonged detention, - ensure that Member States establish a right of recourse against any decision by the inspection authority, - abolish the ban on the use of refitting shipyards in non-Community ports, - stipulate that only irregularities which represent a serious danger to human life or the marine environment warrant a ban on entering Community ports, - give surveyors the facility to use shipping registers, in order to avoid wasting monitoring capacities, - stipulate the content of the information to be published on ships detained, - ensure that the full cost of inspection is reimbursed where irregularities are identified, - delete the unnecessary references to comitology, - ensure that priority is given during inspections to ships which have not entered a Community port over the last twelve months and ships carrying chemical products, - qualify the ships listed in Annex I as cases which warrant more detailed inspection, - amend the wording of the conditions applicable to surveyors, in order to guarantee that the Member States recruit a sufficient number of surveyors and that surveyors already in office may remain in office.

Maritime safety: enforcement of international standards in respect of shipping using Community ports

1994/0068(SYN) - 18/05/1995 - Text adopted by Parliament, 2nd reading

The European Parliament approved the Council's common position with the following amendments: - the scope of the directive was extended to ships (and their crew) both using ports in a Member State of the Community and sailing in the territorial waters of that Member State; - inspections on board ships would apply both to ships using a port in a Member State and, where there were clear grounds, ships cruising in the territorial waters of the Member States.

Maritime safety: enforcement of international standards in respect of shipping using Community ports

1994/0068(SYN) - 15/11/1994 - Modified legislative proposal

1) CONTENT: 1. This directive seeks to improve safety at sea in Community waters by attempting to ban ships which do not comply with standards from the Community. 2. Scope of the directive: the directive applies to all merchant ships in the ports or cruising in the territorial waters of a Member State. Ban on more lenient treatment for ships sailing under the flag of a country which is not signatory to a convention. 3. Obligation for the Member States to introduce and control national maritime administrations, called "competent authorities", in charge of inspecting ships using their ports or cruising in their territorial waters. 4. Obligations as regards inspections: each Member State is obliged to inspect at least 25% of the number of ships sailing under a foreign flag which enter its ports. Selection criteria of ships to be inspected: no checks on ships already inspected over the previous six months. 5. Inspection procedure: list of certificates and documents to be checked and types of checks to be carried out. Rules to be followed where a more detailed inspection is needed. 6. Obligation to carry out enhanced controls on the following ships: * oil tankers no more than five years away from the date of their withdrawal; * bulk carriers over twelve years old; * passenger ships. 7. Obligation for the surveyor to provide the master with an inspection report on completion of the inspection. 8. Obligation for the Member States to have deficiencies identified during the inspection rectified. Conditions of detention of the ship. 9. Follow up of inspections and detention of the ship. Conditions to be met in order to be able to authorise a ship to move to a repair yard. Obligation to notify movements and measures taken. Sanctions (access refused to all Community ports) against ships which refuse to comply with the demands of the competent authorities. 10. Professional profile of surveyors. Qualification criteria. 11. Obligation for ships' pilots and the harbour authorities to point out deficiencies which they learn of. 12. Obligation for the Member States to ensure that its competent authorities collaborate with the competent authorities in other Member States. 13. Obligation for each competent authority to publish quarterly lists of the number of ships detained. Rules governing this information. 14. Obligation for shipowners or operators of ships with deficiencies which warrant detention to pay a fee to cover the inspection costs. 15. Obligation for the Member States to notify the number of surveyors working for them and the number of ships entering their ports every year. 16. Advisory committee to be set up to assist the Commission. 2) OBJECTIVE: to introduce the legislative framework needed in order to introduce a harmonised system of controls on ships by the port state with a view to reducing the number of substandard ships operating in Community waters and, through this preventive action, to improve the safety of life at sea and protection of the marine environment. Source: European Commission - Info92 08/95

Maritime safety: enforcement of international standards in respect of shipping using Community ports

1994/0068(SYN) - 19/06/1995 - Final act

OBJECTIVE: Council directive 95/21/EC seeks to harmonize the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions. CONTENT: - port state controls will apply in all ports, including internal ports, in off-shore installations in service on the continental shelf of a Member State and to ships anchored at sea off such ports or off-shore terminals; - the total number of inspections will correspond to at least 25% of the number of ships entering the ports of each Member State during a typical year; - priority inspections will be carried out on certain categories of ships; - detailed inspections will be carried out where there are clear grounds for believing that a ship does not meet international standards; - enhanced controls will be carried out on certain categories of ships where there are clear grounds for doing so; - enhanced controls will be carried out on passenger ships providing regular services between Member States; - on completion of the inspection, an inspection report containing corrective action to be taken will be sent to the master; - ships will be detained and operation prohibited in the case of deficiencies which are clearly hazardous to safety, health or the environment; - the inspection may be suspended and corrective action demanded as and when it becomes clear that the general state of the ship is not up to standard; - the owner or operator of a ship may appeal against the decision to detain the ship; - ships which refuse to comply with a request by a Member State to meet international standards may be refused access to all Community ports; - inspections will only be carried out by surveyors who meet the qualification criteria specified in the directive; - reports will be drafted by pilots and harbour authorities; - the competent authorities will cooperate and exchange information on ships using their ports; - the competent authorities will publish quarterly lists of ships detained. - Member States must comply with the directive by 31 June 1996.

Maritime safety: enforcement of international standards in respect of shipping using Community ports

1994/0068(SYN) - 16/03/1994 - Legislative proposal

The proposal for a directive was aimed at harmonizing the conditions for applying international standards on maritime safety, pollution control and living and working conditions on board ship to those vessels calling at Community ports and sailing in waters which were under the jurisdiction of the Member States. This replaced an earlier proposal on the same subject which dated back to 1980 and which had still not been adopted. The proposal essentially sought: - to define common principles governing the strengthening of controls; - to harmonize criteria for inspection and detention; - to lay down adequate inspection structures at national level and to define the qualifications to be held by those carrying out the inspections (surveyors); - to set up a mechanism for monitoring and assessing the effectiveness of these measures; - to apply greater transparency, throughout the Community, to the results of the inspections.

Maritime safety: enforcement of international standards in respect of shipping using Community ports

1994/0068(SYN) - 14/09/1994 - Economic and Social Committee: opinion, report