Basic information

1995/0028(SYN) SYN - Cooperation procedure (historic)	Procedure completed
Safety management of roll-on/roll-off (Ro-ro) passenger ferries Repealed by 2003/0291(COD) Amended by 2000/0236(COD) **Subject** 3.20.03.01 Maritime safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	WATTS Mark Francis (PSE)	23/03/1995

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	WATTS Mark Francis (PSE)	23/03/1995

Former committee for opinion	Former rapporteur for opinion	Appointed
ENVI Environment, Public Health and Consumer Protection		

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	1857	1995-06-19
Transport, Telecommunications and Energy	1870	1995-09-28
Transport, Telecommunications and Energy	1893	1995-12-08

Key events

Date	Event	Reference	Summary
26/01/1995	Additional information		Summary
13/02/1995	Legislative proposal published	COM(1995)0028	Summary
03/04/1995	Committee referral announced in Parliament		

23/05/1995	Vote in committee		Summary
23/05/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0115/1995	
13/06/1995	Debate in Parliament		Summary
15/06/1995	Modified legislative proposal published	COM(1995)0286	Summary
28/09/1995	Council position published	08893/3/1995	Summary
11/10/1995	Committee referral announced in Parliament, 2nd reading		
20/11/1995	Vote in committee, 2nd reading		Summary
20/11/1995	Committee recommendation tabled for plenary, 2nd reading	A4-0288/1995	
28/11/1995	Debate in Parliament		Summary
08/12/1995	Act adopted by Council after consultation of Parliament		Summary
08/12/1995	End of procedure in Parliament		
30/12/1995	Final act published in Official Journal		

Technical information

Procedure reference	1995/0028(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Repealed by 2003/0291(COD) Amended by 2000/0236(COD)
Legal basis	EC Treaty (before Amsterdam) E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/07128

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0115/1995 OJ C 166 03.07.1995, p. 0003	23/05/1995	
Text adopted by Parliament, 1st reading/single reading		T4-0284/1995 OJ C 166 03.07.1995, p. 0046-0052	14/06/1995	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0288/1995 OJ C 339 18.12.1995, p. 0005	20/11/1995	
Text adopted by Parliament, 2nd reading		T4-0578/1995 OJ C 339 18.12.1995, p. 0012-0026	29/11/1995	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	08893/3/1995 OJ C 297 10.11.1995, p. 0001	28/09/1995	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1995)0028 OJ C 298 11.11.1995, p. 0023	13/02/1995	Summary
Modified legislative proposal	COM(1995)0286 OJ C 298 11.11.1995, p. 0031	15/06/1995	Summary
Commission communication on Council's position	SEC(1995)1402	09/10/1995	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1995)0667	08/12/1995	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0584/1995 OJ C 236 11.09.1995, p. 0042	31/05/1995	Summary
EU	Implementing legislative act	32002R1970 OJ L 302 06.11.2002, p. 0003-0027	04/11/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 1995/3051
OJ L 320 30.12.1995, p. 0025 Summary

Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 09/10/1995 - Commission communication on Council's position

In its opinion on the Council's common position on this proposal, the Commission expresses its satisfaction with the text which, it considers, improves its initial proposal by incorporating most of the amendments adopted by the European Parliament at first reading. As far as comitology is concerned, the Council called for a type IIIa committee (regulatory committee), rather than an advisory committee. The Commission has accepted this choice in order to stay in line with other texts controlling shipping (Directives 94/57/EC and 94/58/EC).

Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 28/09/1995 - Council position

The Council's common position incorporates most of the amendments accepted by the Commission in its amended proposal. Some have been changed slightly, but nothing has been done to alter the spirit of the amendments made by the European Parliament at first lecture (e.g. the term "small" companies has been deleted for reasons of clarity, the definitions of "regular service" and "sheltered waters" have been maintained). The Council also preferred, as far as controlling the validity of the document of compliance is concerned, to keep to the general guidelines of the ISM Code by verifying them every 30 months (rather than every year, as recommended by the European Parliament). However, the Commission would be authorized to review this frequency according to a set procedure. However, it adds an extra clarification: a Member State may only issue documents of compliance for a company which has its principal place of business on its own territory. The flag country of the ship must also be consulted. In addition, every state must be able to accept the document or certificate of compliance issued by another Member State. Those issued by third countries must comply with the regulation. As far reviewing the regulation within 3 years of application is concerned, the Council supports this measure but has deleted certain superfluous terms "miscellaneous interpretations"). The amendments rejected by the Council include: - the definition of a "seagoing vessel", which made the regulation inapplicable in sheltered waters; - an amendment allowing the ISM Code to be changed; - an amendment seeking to define liability for accidents. At the same time, the Council wished the regulation to apply to all companies operating at least one ro-ro ferry to and from a Community port, regardless of the place of constitution, establishment or operation. It would also apply to ferries already in service. Finally, as far as comitology is concerned, the Council decided that if the Member States wished to suspend the operation of certain ferries, the Commission would be authorized to make a final decision within the framework of a regulatory committee (type IIIa rather than an advisory committee, as proposed by the Commission).

Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 29/11/1995 - Text adopted by Parliament, 2nd reading

Adopting the recommendation for second reading by Mr WATTS (PSE, UK), the European Parliament approved the Council's common position with the following amendments in which Parliament: - re-tabled an amendment requiring the validity of the document of compliance to be checked every year rather than every 30 months as recommended by the Council; - restored the advisory committee procedure rather than the regulatory committee provided for by the Council. At the same time, it stipulated that a roll-on roll-off ferry should not be allowed to operate as soon as there was a serious "threat" of danger (rather than a serious "risk"). Once the danger (not the risk) had been removed the operating suspension could be revoked.

Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 15/06/1995 - Modified legislative proposal

The Commission incorporated most of the European Parliament's amendments at first reading in its amended proposal. These amendments seek mainly to: - make improving maritime safety the main objective of this regulation; - ensure that the international safety and management code is applied uniformly and coherently in the Member States; - change the meaning of "regular service" (voyage by a ro-ro ferry providing transportation between the same two points at least on the basis of a published timetable or which is regular or frequent enough to give the impression that it is a regular service); - change the meaning of "sheltered waters" (area in which the annual probability of the significant wave height exceeding 1.5 metres is less than 10% and in which a ro-ro ferry is at no time more than six nautical miles from a place where shipwrecked persons can land); - delay the application of the provisions of the regulation to companies operating regular ro-ro ferry services between ports in the same Member State exclusively in sheltered waters to 1 July 1997; - make the safety management certificate and safety documents valid for five years from the date of issue, subject to annual verification of each of these documents and any changes made being in compliance with the ISM Code; - evaluate the regulation after it has been in force for three years and make any suitable proposals as a result. The Commission also incorporated the amendment seeking to allow Greek companies not to apply this regulation until 31 December 1997, provided that these ferries offer a regular service exclusively between Greek ports. However, it did not incorporate the amendment seeking to add a definition of "seagoing vessel", a number of recitals which it considered superfluous or a new article determining the liability of companies where certain agents have committed acts of negligence.

Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 08/12/1995

The Council discussed the results of the conference of the contracting governments to the 1974 International Convention for the Safety of Life at Sea (SOLAS) held in London from 20 to 29 November. One of the aims of the Conference was to amend the Convention in order to increase the safety of roll-on roll-off passenger ferries following the Estonia disaster on 28 September 1994. In its Resolution of 22 December 1994 on the safety of roll-on roll-off passenger ferries the Council gave its full support to the work being done under the aegis of the IMO with a view to the amendment of the SOLAS Convention. The Council expressed its general satisfaction on the outcome of the Conference, in particular on the adoption of a resolution defining a framework for the conclusion of regional agreements applying specific requirements to all roll-on roll-off passenger ferries operating regular services between specified ports where shipping and local conditions so require. The Council noted the Swedish Government’s intention of calling a regional conference in January 1996 to establish a regional agreement applicable to roll-on roll-off passenger ferry services in the North Sea and the Baltic Sea . - The Council adopted a Regulation on the safety management of roll-on roll-off passenger ferries, the purpose of which is to render compulsory the advance application, between now and 1 July 1996 for all vessels and companies operating within the Community, of the ISM code established by IMO Assembly resolution A.741(18) on the establishment of an organisation to ensure the safe management of ships.

Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 31/05/1995 - Economic and Social Committee: opinion, report

The ESC unreservedly supported the proposal to make the ISM Code mandatory for passenger ferries with effect from 1 July 1996. It believed that any derogation from this requirement should be kept to an absolute minimum and limited to small companies operating domestic services in sheltered waters for a period of short duration. Particular importance was attached to compliance with part 6 of the Code concerning resources and personnel. Before accepting documents of compliance and safety management certificates issued by non-EU administrations or classification societies, Member States' administrations should be entirely satisfied that the issuing authority required standards of compliance similar to their own.

Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 13/02/1995 - Legislative proposal

This proposal for a regulation concerns the safety management of ro-ro passenger vessels and makes the provisions of the ISM Code mandatory on ro-ro passenger vessels on regular routes to and from Community ports (the International Management Code for the safe operation of ships and for pollution prevention (ISM Code) is an international code which merely recommends a number of prescriptions to the signatory states). As soon as this regulation enters into force (viz. on 1 July 1996), shipping companies will have to adopt these provisions on board all their ro-ro ferries. The Member States, for their part: - must issue a permit to operate ships from their ports and guarantee that companies comply with these requirements; - must monitor ships sailing under their flag and companies established on their territory, - must recognise documents of compliance issued by another Member State in accordance with the principle of mutual recognition of certification documents issued by any Member State of the Community, - must ensure that ships operated by companies established outside the Community comply with the safety standards set out in the regulation, either on the basis of documents issued by the country in question or on the basis of any other form of proof, - may, if they consider that a company operating a regular service from its ports represents a safety risk (even though a valid document of compliance has been recognised), suspend operation until the risks have been eliminated. They must submit the case to the Commission, which will decide whether or not to suspend operation, with the assistance of an advisory committee. Compliance must be checked every year. If a Member State delegates its powers or relies upon another body for this purpose, it can only do so through a recognised organisation which complies with the quality requirements laid down in Directive 94/57/EEC on common rules and standards for ship inspection and survey organisations. The Commission may amend the provisions of the ISM Code in order to bring them into line with developments in international organisations and may also amend the definition of approved organisations responsible for monitoring ships.

Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 08/12/1995 - Final act

- OBJECTIVE: mandatory application from 1 July 1996 of the International Management Code for the safe operation of ships and for pollution prevention (ISM Code) to all regular roll-on roll-off passenger ferry services operating to or from Community ports. - COMMUNITY MEASURE: Council Regulation (EC) No 3051/95 on the safety management of roll-on roll-off passenger ferries (ro-ro ferries). - SUBSTANCE: . scope: - the regulation applies to all companies operating at least one ro-ro ferry to or from a port of a Member State on a regular service regardless of its flag; - the regulation does not apply: . until 31 December 1997, to companies established in Greece operating ferries under Greek flag and exclusively between Greek ports, . until 1 July 1997, to companies operating ro-ro ferries on a regular service exclusively in sheltered waters (areas where the annual probability of the significant wave height exceeding 1,5 m is less than 10%, and in which a ro-ro ferry is at no time more than six nautical miles from a place where shipwrecked persons can land) and between ports situated in the same Member State. . basic principle: all companies affected by the regulation must comply with the provisions of the ISM Code (in the annex to the regulation), as if the provisions thereof were mandatory, as a requirement for their vessels to provide regular services within the Community. The objectives of the Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the marine environment. . The regulation determines the conditions under which the provisions of the ISM Code are applied and lays down the conditions for the issue and verification of the document of compliance and safety management certificate: - A Member State may only issue documents of compliance for a company which has its principal place of business on its own territory. - Each Member State must accept a document of compliance or a safety management certificate issued by any other Member State in compliance with the principle of the mutual recognition of certification documents. - The document of compliance shall be valid for five years, provided that a verification takes place once a year, in order to confirm the proper functioning of the safety management system. Equally, the safety management certificate shall be valid for five years, provided that an intermediate verification takes place every thirty months (or more frequently). - A Member State may not recognize documents of compliance or safety management certificates issued by third countries unless it is satisfied that they comply with the regulation. - Where a Member State considers that a company operating a regular service to or from its ports represents a risk of serious danger to safety of life or property, or the environment (even though a valid document of compliance has been granted), it may suspend the operation of such service until the danger is removed. It shall inform the Commission, which will decide whether or not operation of the service should be suspended, with the assistance of a regulatory committee. - If a Member State delegates or relies upon another body in order to fulfil this regulation, it can only do so through a recognized organization. - The Commission, assisted by a regulatory committee, may amend the specific provisions derived from the ISM Code to take account of developments at international level. It may also amend the definition of 'recognized organization' responsible for the certification, verification and control of vessels and the periods of validity of the document of compliance and/or the safety management certificate. - ENTRY INTO FORCE: 1 January 1996. It is applicable from 1 July 1996. The Commission shall review the implementation of this regulation three years after its entry into force and propose any appropriate measures.

Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 14/06/1995 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved this proposal for a regulation subject to the following amendments: - the new safety rules should not apply definitively until 1 July 1997 for small companies operating one or more roll-on roll-off ferries offering a regular service in sheltered waters exclusively between ports situated in the same Member State; - Greek companies offering a regular service exclusively between Greek ports should not need to come into line with the new rules until 31 December 1997. For all other companies, the safety requirements in the regulation should apply as of 1 July 1996. At the same time, the European Parliament defined the terms "seagoing vessel" and "regular service": - seagoing vessels are ships other than those sailing exclusively on internal waters or in the vicinity of "sheltered waters" (i.e. areas in which the annual probability of the significant wave height exceeding 1.5 metres is less than 10% and in which a ro-ro ferry is at no time more than six nautical miles from a place where shipwrecked persons can land); - a regular service should be understood to mean transportation effected by passenger ro-ro ferries between the same two points at least on the basis of a published timetable or which is regular enough to give the impression that it is a regular service. Parliament also clarified that the safety management certificate would be valid for 5 years from its date of issue, subject to annual verification of the document of conformity (which is likewise valid for 5 years). Finally, Parliament added that this regulation should be evaluated after 3 years in force and stated that it did not in any way change international or national regulations governing the liability of company agents guilty of certain acts of negligence.