Basic information

1996/0168(SYN) SYN - Cooperation procedure (historic)	Procedure completed
Harmonised safety regime for fishing vessels of 24 metres in length and over Amended by 2000/0237(COD) **Subject** 3.15.03 Fishing fleets, safety of fishing vessels 3.20.03.01 Maritime safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	LE RACHINEL Fernand (NI)	19/11/1996

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	LE RACHINEL Fernand (NI)	19/11/1996

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
ECON Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
PECH Fisheries	VARELA SUANZES-CARPEGNA Daniel (PPE)	10/09/1996

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	1979	1996-12-13
Transport, Telecommunications and Energy	1951	1996-10-03
Transport, Telecommunications and Energy	2059	1997-12-11
Culture	2022	1997-06-30

Key events

Date	Event	Reference	Summary
11/07/1996	Legislative proposal published	COM(1996)0255	Summary
03/10/1996	Debate in Council		
23/10/1996	Committee referral announced in Parliament		
13/12/1996	Debate in Council		
26/02/1997	Vote in committee		Summary
26/02/1997	Committee report tabled for plenary, 1st reading/single reading	A4-0068/1997	
23/04/1997	Debate in Parliament		Summary
30/06/1997	Council position published	07935/2/1997	Summary
17/07/1997	Committee referral announced in Parliament, 2nd reading		
29/10/1997	Vote in committee, 2nd reading		Summary
29/10/1997	Committee recommendation tabled for plenary, 2nd reading	A4-0336/1997	
05/11/1997	Debate in Parliament		Summary
11/12/1997	Act adopted by Council after consultation of Parliament		
11/12/1997	End of procedure in Parliament		
09/02/1998	Final act published in Official Journal		

Technical information

Procedure reference	1996/0168(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Amended by 2000/0237(COD)
Legal basis	EC Treaty (before Amsterdam) E 075-p1
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/09078

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0068/1997 OJ C 115 14.04.1997, p. 0004	26/02/1997	
Text adopted by Parliament, 1st reading/single reading		T4-0202/1997 OJ C 150 19.05.1997, p. 0014-0030	24/04/1997	Summary
Committee recommendation tabled for plenary, 2nd		A4-0336/1997		

reading		OJ C 358 24.11.1997, p. 0004	29/10/1997	
Text adopted by Parliament, 2nd reading		T4-0529/1997 OJ C 358 24.11.1997, p. 0010-0018	06/11/1997	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	07935/2/1997 OJ C 246 12.08.1997, p. 0001	30/06/1997	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1996)0255 OJ C 292 04.10.1996, p. 0029	11/07/1996	Summary
Commission communication on Council's position	SEC(1997)1319	09/07/1997	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1392/1996 OJ C 066 03.03.1997, p. 0031	27/11/1996	Summary
EU	Implementing legislative act	31999L0019 OJ L 083 27.03.1999, p. 0048	18/03/1999	
EU	Implementing legislative act	32002L0035 OJ L 112 27.04.2002, p. 0021-0033	25/04/2002	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 1997/0070
OJ L 034 09.02.1998, p. 0001 Summary

Harmonised safety regime for fishing vessels of 24 metres in length and over

1996/0168(SYN) - 09/07/1997 - Commission communication on Council's position

The Commission supported the common position as it respected the fundamental principles of the initial proposal and added further clarifications and provisions that enhanced the harmonised level of safety. As regards comitology, the Commission agreed with the Council's request to establish a type IIIa regulatory committee procedure.

Harmonised safety regime for fishing vessels of 24 metres in length and over

1996/0168(SYN) - 27/11/1996 - Economic and Social Committee: opinion, report

The Committee welcomes the Commission proposal as it will help to improve fishing safety standards. However, it stresses the need for appropriate measures to provide an accurate picture of the number and impact of accidents on fishing vessels, including fatalities, industrial accidents and industrial diseases that affect fishermen. While supporting the aim of making the requirements mandatory for third country vessels which wish to fish in Member States' internal or territorial waters or land their catch at an EU port, the Committee feels that this will be difficult to check. The Commission should encourage Member States to increase the means of checking, both on land and at sea. The Committee considers it vitally important that, as the Commission proposes, common safety standards and requirements be laid down for fishing vessels measuring 24 metres or more, as an initial step. It also supports the Commission's intention to study measures for existing vessels and for vessels of less than 24 metres on top of the measures already laid down for other vessels. These studies should be issued by 1 January 1998 so that the new proposals which the Commission intends to present can also cover these groups of vessels.

Harmonised safety regime for fishing vessels of 24 metres in length and over

1996/0168(SYN) - 25/04/2002 - Implementing legislative act

PURPOSE : to harmonise the interpretations relating to the safety regime for fishing vessels. COMMUNITY MEASURE : Commission Directive 35/2002 /EC amending council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over. CONTENT : Directive 97/70/EC established a harmonised safety regime for certain fishing vessels, applying the Torremolinos Protocol to them. In order to ensure consistency in the application of the provisions of the Annex of the Torremolinos Protocol for the application of Directive 97/70/EC, it is necessary to harmonise the interpretations left to the discretion of the Member States. These harmonised interpretations apply only to fishing vessels constructed on or after 01/01/03 as they imply important changes in the construction of fishing vessels. Directive 97/70/EC is amended accordingly. DATE FOR TRANSPOSITION : 01/01/03. ENTRY INTO FORCE : 17/05/02.

Harmonised safety regime for fishing vessels of 24 metres in length and over

1996/0168(SYN) - 24/04/1997 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Fernand LE RACHINEL (NI, F), the European Parliament approved without amendments the Commission's proposal establishing a harmonised safety regime for fishing vessels of 24 metres in length or over.

Harmonised safety regime for fishing vessels of 24 metres in length and over

1996/0168(SYN) - 11/12/1997 - Final act

OBJECTIVE: to set up a harmonized safety system for fishing vessels of 24 metres in length or over operating in Community waters. COMMUNITY MEASURE: Council Directive 97/70/EC SUBSTANCE: the directive is intended to make compulsory the provisions of the 1997 Torremolinos Convention and its 1993 Protocol for fishing vessels of 24 metres in length or over and: - flying the flag of a Member State and registered in the Community, or - flying the flag of a non-Member State and operating in the internal waters or territorial sea of a Member State or landing their catch in the port of a Member State. This Convention and Protocol deal in particular with the certification, construction and equipment of fishing vessels, their stability, machinery and installations, fire protection, crew safety, life-saving appliances, emergency procedures, radio communications and navigation equipment. The Directive also seeks: - to extend to fishing vessels of between 24 and 45 metres in length the provisions of the Torremolinos Convention, which apply only to vessels of 45 metres in length and over; - to set certain specific requirements of a general or regional scope over and above the provisions of the Torremolinos Protocol; - to decide to use a committee procedure to adopt harmonized interpretations, with regard to the Community, of the 200 provisions of the protocol which have been left to the discretion of the contracting parties. The Member States should also carry out surveys to ensure that the fishing vessels comply with the requirements laid down in the directive and must issue and renew certificates of compliance in accordance with the format laid down in Annex V. The fishing vessels are subject to surveys by the port State. Lastly, Member States must adopt a system of penalties for infringements of the national provisions adopted pursuant to the directive. ENTRY INTO FORCE: 01/03/1998 DEADLINE FOR TRANSPOSITION: 01/01/1999

Harmonised safety regime for fishing vessels of 24 metres in length and over

1996/0168(SYN) - 30/06/1997 - Council position

The common position retained the key points of the European Commission's proposal, adding a number of further provisions. The common position applied to fishing vessels of 24 metres in length or over that: - flew the flag of a Member State and were registered in the Community, or - operated in the internal or territorial waters of a Member State, or - landed their catch in the port of a Member State. The text set out the general requirements to be met by the vessels involved: - fishing vessels must comply with the provisions of the Torremolinos Protocol, with the exception of those provisions that are contrary to Annex I of the draft directive; - new fishing vessels of between 24 and 45 metres in length must comply with the requirements set out in the Protocol for vessels of 45 metres in length and over (Annex II covers adaptations for these vessels); - fishing vessels operating in specific areas must comply with the regional and local provisions that apply in those areas ('northern' and 'southern' provisions respectively, defined in Annex III); - fishing vessels must meet additional safety requirements (Annex IV). However, the draft directive also provided for the possibility of bypassing the general rules. Subject to control under the comitology procedure, a Member State or a group of Member States may adopt: - specific safety measures, which must be added to Annex III of the directive, in order to take account of specific local circumstances; - measures containing exemptions, under certain circumstances, for vessels engaged only in fishing near their coasts; - measures allowing equivalents for a particular fitting, material, appliance or apparatus which are at least as effective as those required by the directive. The common position also required new and existing fishing vessels to comply with the standards of recognised organisations on the design, construction and maintenance of the hull, main and auxiliary machinery, electrical and automatic plants or with the equivalent rules used by the national administration. Furthermore, the Member States must carry out surveys to ensure that fishing vessels meet the requirements of the draft directive, and issue and renew certificates of compliance, records of equipment and exemption certificates in accordance with the format laid down in Annex V. Fishing vessels will be subject to port state control. Finally, Member States were required to lay down a system of penalties for violations of the national provisions adopted pursuant to the directive. The new provisions added by the Council related mainly to the following points: - Purpose of the directive: the Council replaced 'internal or territorial waters' with 'internal waters or territorial sea' in order to conform to the terminology used in the United Nations Convention on the Law of the Sea. The Council also explicitly excluded recreational craft engaged in non-commercial fishing from the scope of the draft directive; - Definitions: the definition of 'fishing vessel' was amended in several paragraphs so as to ensure, in particular, that the directive applied equally to fishing vessels having fishing gear but not engaged in fishing. Moreover, the Council replaced '1 January 1998' with '1 January 1999' with respect to the definition of 'fishing vessel'. - Application of general requirements: the common position provided for different dates of implementation for new and existing vessels, namely 1 January 1999 and 1 July 1999 respectively. The Council also proposed several safety requirements further to those included in the Torremolinos Protocol (new Annex IV); - Specific requirements, exemptions and equivalents: the common position allowed a 'group' of Member States to adopt specific local safety measures, since local circumstances might not be confined to one Member State. It added that any Member State wishing to adopt specific local requirements should clearly demonstrate the need for them; - Standards for design, construction and maintenance: the Council made a distinction between new and existing fishing vessels. Existing vessels should comply with the rules in force at the date of their construction whilst for new fishing vessels the administration should lay down rules complying with Directive 94/57/EC; - Surveys and certificates: the Council laid down provision for the administration of a Member State to carry out a survey of fishing vessels flying the flag of another state, if authorised by the flag state; - Controls: the common position made a distinction between fishing vessels flying the flag of another Member State or of a third country and vessels flying the flag of that Member State, which were not subject to control by the port state's own administration. Amendments were also made in respect of port state control in order to ensure that the Torremolinos Protocol was complied with by fishing vessels flying the flag of a third country that were not operating in the internal waters or territorial sea of the Member States but used their ports without landing their catch; - Comitology: the Council replaced the advisory committee procedure with the type IIIa regulatory committee procedure; - Implementation: the Council changed the date of implementation from 1 January 1998 to 1 January 1999. The system of penalties should also be implemented at the same time as the directive. Finally, the Council also made substantial amendments to the annexes.

Harmonised safety regime for fishing vessels of 24 metres in length and over

1996/0168(SYN) - 11/07/1996 - Legislative proposal

OBJECTIVE: to establish a harmonised safety regime for fishing vessels of 24 metres in length and over operating in Community waters. CONTENT: the proposal for a directive defines the general safety requirements to be applied by the Member States: - as flag state, for fishing vessels flying the flag of a Member State; - as host state, for fishing vessels flying the flag of a third country and operating in the territorial waters of a Member State or landing their catch in a port of a Member State. The requirements laid down in the proposal are based on the 1993 Torremolinos Protocol, which relates in particular to: certification, the construction and fitting-out of fishing vessels, their stability, machinery and installations, fire protection, crew safety, life-saving appliances, emergency procedures, radio communications and navigation equipment. Given that it is impossible for the Member States to ensure that the Protocol enters into force quickly, the Commission proposed that all fishing vessels flying the flag of a Member State of the European Union should apply the rules of the 1993 Protocol from 1 January 1998 at the latest.

Harmonised safety regime for fishing vessels of 24 metres in length and over

1996/0168(SYN) - 06/11/1997 - Text adopted by Parliament, 2nd reading

In adopting the recommendation for second reading by Mr Fernand LE RACHINEL (NI, F), the European Parliament approved the common position without amendments.