Basic information

2000/0065(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Maritime safety: standards in respect of shipping using Community ports, package Erika I Amending Directive 95/21/EC 1994/0068(SYN) Repealed by 2005/0238(COD) **Subject** 3.20.03.01 Maritime safety 3.20.09 Ports policy	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	WATTS Mark Francis (PSE)	22/06/2001

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	WATTS Mark Francis (PSE)	19/04/2000
RETT Regional Policy, Transport and Tourism	WATTS Mark Francis (PSE)	19/04/2000

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	PIÉTRASANTA Yves (V /ALE)	25/05/2000
ENVI Environment, Public Health, Consumer Policy	VACHETTA Roseline (GUE /NGL)	23/05/2000

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2395	2001-12-06
Transport, Telecommunications and Energy	2374	2001-10-15
Transport, Telecommunications and Energy	2292	2000-10-02

	Transport, Telecommunications and Energy	2279	2000-06-26
	Agriculture and Fisheries	2332	2001-02-26

European Commission	Commission DG	Commissioner
	Energy and Transport	

Key events

Date	Event	Reference	Summary
21/03/2000	Legislative proposal published	COM(2000)0142	Summary
03/05/2000	Committee referral announced in Parliament, 1st reading		
26/06/2000	Debate in Council		Summary
02/10/2000	Debate in Council		
20/11/2000	Vote in committee, 1st reading		Summary
20/11/2000	Committee report tabled for plenary, 1st reading	A5-0343/2000	
30/11/2000	Decision by Parliament, 1st reading	T5-0532/2000	Summary
30/11/2000	Debate in Parliament		
13/12/2000	Modified legislative proposal published	COM(2000)0850	Summary
26/02/2001	Council position published	05179/1/2001	Summary
28/02/2001	Committee referral announced in Parliament, 2nd reading		
25/04/2001	Vote in committee, 2nd reading		Summary
25/04/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0140/2001	
15/05/2001	Debate in Parliament		
16/05/2001	Decision by Parliament, 2nd reading	T5-0260/2001	Summary
20/08/2001	Parliament's amendments rejected by Council		
18/09/2001	Formal meeting of Conciliation Committee		
15/10/2001	Debate in Council		
24/10/2001	Report tabled for plenary, 3rd reading	A5-0440/2001	
12/11/2001	Joint text approved by Conciliation Committee co-chairs	3657/2001	
13/11/2001	Final decision by Conciliation Committee		Summary
06/12/2001	Decision by Council, 3rd reading		
12/12/2001	Debate in Parliament		
13/12/2001	Decision by Parliament, 3rd reading	T5-0695/2001	Summary
19/12/2001	Final act signed		
19/12/2001	End of procedure in Parliament		

22/01/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0065(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 95/21/EC 1994/0068(SYN) Repealed by 2005/0238(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/14871

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0343/2000 OJ C 228 13.08.2001, p. 0005	20/11/2000	
Text adopted by Parliament, 1st reading/single reading		T5-0532/2000 OJ C 228 13.08.2001, p. 0016-0133	30/11/2000	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0140/2001	25/04/2001	
Text adopted by Parliament, 2nd reading		T5-0260/2001 OJ C 034 07.02.2002, p. 0166-0216 E	16/05/2001	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0440/2001	24/10/2001	
Text adopted by Parliament, 3rd reading		T5-0695/2001 OJ C 177 25.07.2002, p. 0211-0279 E	13/12/2001	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	05179/1/2001 OJ C 101 30.03.2001, p. 0015	26/02/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0142	21/03/2000	Summary

Document attached to the procedure	COM(2000)0603	27/09/2000	Summary
Modified legislative proposal	COM(2000)0850 OJ C 154 29.04.2001, p. 0067 E	13/12/2000	Summary
Commission communication on Council's position	SEC(2001)0344	27/02/2001	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2001)0339	14/06/2001	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0165/2000 OJ C 022 24.01.2001, p. 0019	20/09/2000	
EESC	Economic and Social Committee: opinion, report	CES1206/2000 OJ C 014 16.01.2001, p. 0022	19/10/2000	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3657/2001	12/11/2001	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2001/0106
OJ L 019 22.01.2002, p. 0017-0031 Summary

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 16/05/2001 - Text adopted by Parliament, 2nd reading

The European Parliament approved the resolution by Mr Mark WATTS (PES, UK) on the common position on a directive on international standards for ship safety, pollution prevention and shipboard living and working conditions (Port State Control) with two amendments. The legislation means that ships not respecting international conventions and standards will be banned from Community ports but the amendments seek to require vessels over 300 tonnes to be fitted with 'black boxes' or Voyage Data Recorders within five years.

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 14/06/2001 - Commission opinion on Parliament's position at 2nd reading

At second reading the Parliament adopted two amendments to the Council's common position. The amendment introducing certain obligations in order to assure an in depth assessment of the Port State Control performance by Member States is accepted in principle but is subject to redrafting. The

amendment seeking to introduce the obligation to refuse access to Community ports for ships not in compliance with the requirements for the voyage data recorder (VDR) is accepted, but is subject to re-wording. The extension of refusal of access to categories of ships for which the carriage of the VDR is not mandatory is unacceptable. It represents a distortion of the scope of the directive, which is solely intended to verify whether the ship complies with the international requirements and not to impose indirectly additional equipment requirements.

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 26/06/2000

The Council took note of progress in the discussions on the Directive proposed by the Commission. It instructed the Permanent Representatives Committee to step up proceedings on that dossier so that the Council could reach an agreement at its October meeting and thus advance the codecision procedure with the Parliament. Furthermore, the Council adopted conclusion on maritime safety. In relation to these conclusions, the Council: - reaffirms its resolve to pursue and step up a maritime safety policy at international, Community and national level to reduce the risk of accidents, thus avoiding loss of human life and preventing pollution of marine environment; - recognises that acceptance, by any part of the shipping industry, of substandard practices affects protection of people and the environment, vessel safety and fair competition and that the elimination of such practices will be beneficial for all parties involved and help bring about a universal culture of safety and quality; - calls on the Member States to evaluate the situation and, where necessary, to tailor human resources and means required to the various tasks to be carried out by them and to introduce a quality management system; - points out the need to develop exchanges of experience between the Member States on organisational matters and working methods in particular by a better coordination of the activities of Vessel Traffic Services, with a view to establishing improved procedures and requirement levels; - supports the development and extension of the EQUASIS information system so as to bring greater transparency of information of the safety and quality of merchant vessels worldwide; - realising that the improvement of maritime safety requires fully qualified crews and good shipboard working conditions; - considers that special heed should be paid to seaborne trade of oil and other hazardous substances. The Council also urges the Member States, bearing in mind the importance of involving non-EU countries as well, strongly to support work under way within the IMO that should result in a quick and adequate revision of Annex I to the MARPOL Convention so as to eliminate the risk of shipping in single-hull oil tankers. In addition, the Council calls on the Commission and the Member States to pursue the objective of increasing the ceiling for compensation per accident laid down by the International Fund for Compensation for Oil Pollution Damage (IOPCF) with a view, in particular, to providing better coverage for damage to the environment, and to work for that purpose with non-EU countries as well. The Council requests the Commission to consider developing, when appropriate, a European database on accidents and incidents at sea. In conclusion, it points out that pursuit of maritime safety policy depends on proper, effective application of existing legislation, including general Community measures on health and working conditions applicable to the maritime sector. It reiterates the aim of maintaining and promoting seafaring occupations in Europe, by means of increased interest in such work on the part of young Europeans and appropriate jobtraining. To this end, it calls on the Commission to submit a communication on the recruitment and training of seafarers, bearing in mind in particular the suggestion made by the social partners.

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 13/12/2001 - Text adopted by Parliament, 3rd reading

The European Parliament adopted the resolution by Mr Mark Francis WATTS (PES, UK) on the joint text approved by the Conciliation Committee. (Please refer to the previous text).

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 19/12/2001 - Final act

PURPOSE : to make obligatory the inspection regime of certain ships classed as potentially dangerous. COMMUNITY MEASURE : Directive 2001/106 /EC of the European Parliament and of the Council amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control). CONTENT : the Directive, adopted in accordance with the common position approved on 13 November 2001 by the Conciliation committee, is included in the first package of measures, presented by the Commission, on ship safety following the Erika disaster. It aims in particular to make mandatory inspections of vessels presenting a degree of high risk. With regard to certain categories of ships, more rigorous measures foresee in particular reinforced mandatory inspections as well as refusing access to Community ports. Ships calling at EU ports should be detained if they are not equipped with a functioning voyage data recorder (VDRs or "black box"). If this deficiency could not easily be remedied in the port of detention, the port authority could allow the ship to proceed to the nearest appropriate port to have the matter dealt with. It was agreed that the deadline for rectifying the lack of VDR sould be 30 days. The Directive stipulates that the use of black boxes will become compulsory for: - passenger ships built on or after 1 July 2002; - ships other than passenger ships, of 3000 gross tonnage and upwards, built on or after 1 July 2002; - old cargo ships from 2007/2008 onwards. The Commission shall review the implementation of this Directive no later than 22 July 2006. ENTRY INTO FORCE : 22/01/2002. IMPLEMENTATION : 22/07/2003.

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 27/09/2000 - Document attached to the procedure

This present report from the Commission for the Biarritz European Coucil outlines the Community strategy for safety at sea. The Feira European Council of 19-20 June 2000 welcomed the Commission's intention to deliver a report on the overall strategy concerning the safey of transport at sea to enable a decision to be taken before the end of the year. Following the sinking of the oil tanker, Erika, on 12 December 1999, the Commission responded quickly to the calls from the European Parliament and the Council to tighten significantly the rules governing safety at sea at the Community level by adopting a "communication on the safety of oil transport by sea" on 21 March 2000. The communication describes an overall strategy that includes a certain number of practical short and medium-term activiites to prevent such accidents from ever happening again. The three proposed legislative measures adopted by the Commission after the Erika disaster are currently being discussed within the European Parliament and the Council. The three proposals relate in particular to: - amending the existing Directive on the inspection of ships by the Port State in order to make the checks in ports more stringent; - amending the existing Directive with regard to classification societies for which Member States delegate a major proportion of their inspection powers; - banning single-hull oil tankers in line with a timetable similar to that set by the United States. Progress has been made on the three proposals, however, substantial work still has to be done before the Nice European Council in December. Furthermore, beyond the proposed short-term actions set out in the communication, the Commission has announced further action to provide long-term protection of European waters against the risk of accidents and pollution of the seas. The Commission intends to propose that a European fund to compensate for damage caused by pollution be set up which would provide top-up compensation for victims where the ceilings set by the Conventions are exceeded. In addition, the Commission is contemplating the setting-up of a specific structure which might take the form of a "European Agency for Maritime Safety". Finally, as announced in the Commission's communication of 21 March, the proposals concerning the safety of traffic at sea and the European structure will be finalised at the end of the year and will be immediately followed by a proposal on liability. All of these forms of action together, including the first package of short-term measures, make up a coherent whole which should significantly improve maritime safety in the waters and the ports of the European Union.

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 30/11/2000 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Mark Francis WATTS (PES, Uk). However, this text was subject to various amendments which highlight the importance the Parliament attaches to maritime transport safety and environmental protection. (Refer to the previous document as the amendments adopted by the committee responsible mirrored those adopted by the House).

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 27/02/2001 - Commission communication on Council's position

The Commission considers that the text of the common position is acceptable as it respects the key principles of the original proposal. It introduces a degree of flexibility, within reason, which is balanced by tightening up of certain provisions in the light of the amendments adopted by the European Parliament at first reading.

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 26/02/2001 - Council position

The Council has adopted a common position on a text which reflects the content of the amended proposal adopted by the Commission after Parliament's first reading, and incorporates several new provisions. The most significant amendments concern the provisons on expanded mandatory inspections and on refusal of access to Community ports. The common position reflects the concern for flexibility voiced by Member States with the prospect of an increased workload, but at the same time shows their commitment to stepping up port State controls in the European Union. Compared with its previous stance, particularly that expressed on 2 October, the Council thus accepts a significant increase in the number of expanded inspections carried out and stricter application of the procedure for refusing access to Community ports for ships flying the flag of countries on the Paris MOU blacklist, and has made a clear political commitment to require ships sailing in Community waters to be equipped with "black boxes". Thus the common position as a whole remains true to the ambitious objectives of the Commission's proposal.

Maritime safety: standards in respect of shipping using Community ports, package Erika I

2000/0065(COD) - 21/03/2000 - Legislative proposal

PURPOSE : to present the proposal for a Directive of the European Parliament and of the Council amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control). CONTENT : since Directive 95/21/EC was adopted, substantial efforts have been made - particularly under the auspices of the Paris Memorandum of Understanding on Port State Control - to improve the uniformity and efficiency of inspection procedures. However, important disparities still remain within the Community and ships that pose a high risk to the environment are not inspected with sufficient rigour when they call at European ports. The reasons that have led the Commission to propose amending the Directive include the following: - several Member States are still failing to comply with the 25% threshold laid down in the Directive for inspections of individual ships; - the target factor system developed in the framework of the Paris MOU and made mandatory by the Directive is not being applied in a satisfactory manner; - examination of the reports on the inspections carried out before the sinking of Erika seem to show that the expanded inspections conducted in application of the Directive were not always performed with the necessary rigour. Furthermore, it has not been possible from this examination to verify the extent to which the guidelines in Annex V were followed and what checks were made. The Commission therefore proposes a number of measures designed to improve and strengthen the inspection regime laid down in the Port State Control Directive. The following amendments are proposed: 1) banning manifestly sub-standard ships from European waters; 2) obligation to inspect ships posing a high risk to maritime safety and the marine environment; 3) follow-up to the result of the inspections; 4) informing the flag State and the classification societies; 5) verification of the financial guarantee covering the pollution risk; 6) transparency of information on the ships inspected or detained in accordance with the Directive; 7) monitoring application of the Directive and assessing the performance of Member States. In addition, Article 17 of Directive 95/21/EC stipulates that Member States must provide certain information on the number of inspectors to Port State control and the number of individual ships entering their ports in a representative calendar year. This information enables the Commisson to verify the compliance with the 25% threshold for inspections laid down in Article 5(1), but it is not enough to carry out a detailed examination of the proper application of the Directives provisions, which is its duty under the treaty, and to initiate, where necessary, infringement proceedings against defaulting Member States. Consequently, possible laxpractices in certain Community ports are not detected and the risks of varying safety standards and distortion of competition between ports persist. The Commission therefore proposes increasingly the frequency for transmission of this data (annually rather than every three years as at present) and adding new items to the list of information to be submitted to the Commission. A new Annex is added to the Directive, requiring Member States to provide detailed information to the Commission on movements of ships in ports, classified according to various criteria (age, flag, size, etc.).

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2000/0065(COD) - 13/12/2000 - Modified legislative proposal

During its 30 November 2000 Plenary Session, the European Parliament approved, subject to a number of amendments, the Commission's proposal for a European Parliament and Council Directive 95/21/EC on port state control. The European Parliament agrees with the main elements of the Commission's proposal: to make the inspection regime of certain potentially dangerous ships mandatory rather than discretionary, to tighten the measures against manifestly substandard ships and to ensure an improved implementation of the Directive provisions. However, the Committee on Regional Policy, Transport and Tourism has formulated several amendments in view of integrating the Commission's proposal and make stricter the provisions concerning the refusal of access measure and the implementation of the Port State Control. On the basis of these amendments which have been adopted by the European Parliament, the Commission proposes to introduce some new elements to its original text. The Commission is prepared to incorporate those suggestions and amendments aiming at sending a stronger signal to substandard operators and negligent flag States to the extent that the coherence with the Law of Sea, the International Convention, other European legislative initiatives and the scope of the port state control Directive itself is not affected. The control carried out by the State of the port is solely intended to verify whether the ship complies with the international requirements and not to indirectly impose additional equipment. For these reasons the Commission cannot accept the proposal to ban from the European ports all the ships that are not equipped with the voyage data recorder (VDR) since under international law only certain categories of vessels are required to be equipped with a VDR. In addition, this is not coherent with another adopted amendment proposing that - under the inspection activity - the failure to be equipped with Voyage data recorder (insofar as required) should be considered as a serious deficiency that merits to be rectified before the departure of the vessel. The Commission further wishes to avoid measures that would be disproportionate in comparison to the principles and the goals of the port state control. For these reasons the Commission cannot accept the proposal to ban all ships, irrespective of their detention history, solely because they are flagged to a State on the Paris MOU list of flags with a detention record above the average (black-list). Moreover, the Commission cannot accept the statement that the banning measures should also cover the transit in the territorial waters and the above statement on the risk posed by ships flagged to a State appearing in the very high risk section of the Paris MOU black-list. The Commission agrees with the Parliament on the need to strongly commit Member States to create appropriate PSC bodies both in terms of quantity and quality and to ensure a regular information on the implementation of Port State Control. It finally considered that the control ensured by the Port State Control should pay particular attention to thecompliance with the VDR requirement.