Basic information

2000/0121(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Maritime safefy: safe loading and unloading of bulk carriers Amended by 2000/0237(COD) **Subject** 3.20.03 Maritime transport: passengers and freight 3.20.03.01 Maritime safety 3.20.09 Ports policy	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	VAN DAM Rijk (EDD)	11/07/2000

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	VAN DAM Rijk (EDD)	11/07/2000

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2364	2001-06-27
Transport, Telecommunications and Energy	2324	2000-12-20

European Commission

Commission DG	Commissioner
Energy and Transport	

Key events

Date	Event	Reference	Summary
22/05/2000	Legislative proposal published	COM(2000)0179	Summary
13/06/2000	Committee referral announced in Parliament, 1st reading		
20/12/2000	Debate in Council		
24/01/2001	Vote in committee, 1st reading		Summary
24/01/2001	Committee report tabled for plenary, 1st reading	A5-0037/2001	
12/02/2001	Debate in Parliament		
13/02/2001	Decision by Parliament, 1st reading	T5-0063/2001	Summary
20/03/2001	Modified legislative proposal published	COM(2001)0158	Summary
27/06/2001	Council position published	07193/2/2001	Summary
05/07/2001	Committee referral announced in Parliament, 2nd reading		
10/10/2001	Vote in committee, 2nd reading		Summary
10/10/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0326/2001	
24/10/2001	Debate in Parliament		
25/10/2001	Decision by Parliament, 2nd reading	T5-0565/2001	Summary
04/12/2001	Final act signed		
04/12/2001	End of procedure in Parliament		
16/01/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0121(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amended by 2000/0237(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/14424

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0037/2001	24/01/2001	

Text adopted by Parliament, 1st reading/single reading		T5-0063/2001 OJ C 276 01.10.2001, p. 0022-0038	13/02/2001	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0326/2001	10/10/2001	
Text adopted by Parliament, 2nd reading		T5-0565/2001 OJ C 112 09.05.2002, p. 0204-0301 E	25/10/2001	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	07193/2/2001 OJ C 301 26.10.2001, p. 0022	27/06/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0179 OJ C 311 31.10.2000, p. 0240 E	22/05/2000	Summary
Modified legislative proposal	COM(2001)0158 OJ C 180 26.06.2001, p. 0273 E	20/03/2001	Summary
Commission communication on Council's position	SEC(2001)1015	29/06/2001	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1210/2000 OJ C 014 16.01.2001, p. 0037	19/10/2000	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2001/0096
OJ L 013 16.01.2002, p. 0009-0020 Summary

Maritime safefy: safe loading and unloading of bulk carriers

2000/0121(COD) - 25/10/2001 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the recommendation, by Rijk VAN DAM (EDD, NL), on the common position adopted by the Council with a view to adopting a European Parliament and Council Directive establishing requirements and harmonised procedures for the safe loading of bulk carriers.

Maritime safefy: safe loading and unloading of bulk carriers

2000/0121(COD) - 13/02/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament voted to endorse with amendment the report drafted by Mr Rijk van DAM (EDD/NL) which aims to strengthen safety on cargo ships. Among the amendments adopted were a number aimed at a more precise definition of the tasks and competences of port authorities, classification societies terminal representatives and the master throughout the entire process of loading and unloading bulk carriers.

Maritime safefy: safe loading and unloading of bulk carriers

2000/0121(COD) - 20/03/2001 - Modified legislative proposal

The Commission agrees to the majority of amendments adopted by the European Parliament, although a number of amendments, where there is an agreement in principle, changes have been incorporated in order to clarify and improve the wording in relation to international provisions. The Commission agrees to strengthen the role of the competent authority, by obliging it to halt loading or unloading operations should the safety of crew of ship be endangered. However, the Commission can however not accept: - the amendment to the definition of the "competent authority", narrowing down the choice for Member States when appointing this body, which is central to the implementation of the Directive, - the amendment to annex VI, because it would limit the terminal representative's responsibility in relation to determining if hot work is carried out on board the ship while alongside the berth of the bulk loading and unloading terminal. The Commission also proposes to make a minor amendment to allow for the interim certification of newly established terminals in the start-up phase.

Maritime safefy: safe loading and unloading of bulk carriers

2000/0121(COD) - 27/06/2001 - Council position

The Council accepted, fully or in part, 12 of the 15 amendments suggested by the European Parliament. Many changes are intended to clarify the text. It must be noted that: - concerning possible commercial interests of competent authorities in the terminals, the Council will not widen the scope of the Directive and prejudge the various administrative models in Member States concerning the relationship between terminals and authorities. It therefore made reference to safety related action of the authorities, which should not be dependent on commercial interests. Of the amendments rejected, the Council turned down the requirement that all damage to ship be reported to the classification society in order to avoid an undue administrative burden. It also could not exclude the monitoring of hot work onboard ship from the dutieis of the terminal representative, as this could compromise his role in ensuring the safety of loading and unloading.

Maritime safefy: safe loading and unloading of bulk carriers

2000/0121(COD) - 29/06/2001 - Commission communication on Council's position

The Commission accepts the common position, which includes a number of editorial changes. It feels that the substance of the amended proposal has been taken into account.

Maritime safefy: safe loading and unloading of bulk carriers

2000/0121(COD) - 04/12/2001 - Final act

PURPOSE : to enhance the safety of bulk carriers calling at terminals in the Community for loading and unloading of cargoes. COMMUNITY MEASURE : Directive 2001/96/EC of the European Parliament and of the Council establishing harmonised requirements for the safe loading and unloading of bulk carriers. CONTENT : The purpose of the Directive is to enhance the safety of bulk carriers calling at terminals by reducing the risks of excessive stresses and physical damage to the ship's structure during loading or unloading, through the establishment of: - harmonised suitability requirements for those ships and terminals, and - harmonised procedures for cooperation and communication between those ships and terminals. There are requirements in relation to the operational suitability of bulk carriers and terminals, upon which Member States must satisfy themselves. They must also make the necessary arrangements to ensure that prescribed principles concerning the responsibilities of masters and terminal representatives are applied. The master is responsible for the safe loading and unloading of the bulk carrier under his command. The Directive lays down procedures between bulk carriers and terminals. Where the competent authority is informed of disagreement between the master and the terminal representative as to the application of these procedures, the competent authority must intervene. In the case of damage to the ship, the decision of whether immediate repair is necessary will be taken by the port State control authority. Repairs will be carried out to the satisfaction of the master and the competent authority before the ship leaves port. Member States must verify that terminals comply with the requirements in this directive. The verification procedure will include unannounced inspections during loading and unloading. DATE FOR TRANSPOSITION : 05/08/03 DATE OF APPLICATION : 01/03/04 ENTRY INTO FORCE : 05/02/02

Maritime safefy: safe loading and unloading of bulk carriers

2000/0121(COD) - 22/05/2000 - Legislative proposal

PURPOSE : to enhance the safety of bulk carriers calling at terminals in the Community for loading or unloading of solid bulk cargoes. CONTENT : the increasing number of bulk carrier casualties in the past decades and the associated loss of human lives remain an issue of major concern for the European Commission. In response to this sharp and unacceptable increase in losses of ships, cargoes and human lives, the Commission suggested in its 1993 Communication possible courses of action. These suggestions included, amongst others, the mandatory application of classification Societies' recommendations as an accompanying measure to the convergent application of IMO Conventions and measures at the level of port State control to ensure compliance with those Conventions and recommendations. The Council welcomed this Communciation and fully supported its objectives. However, the continuance of the alarming trend in bulk carrier casualties after the publication of the 1993 Communciation prompted the European Commission to propose a number of port State control measures. As the years went by, the need to improve the loading and unloading procedures became even more pressing in order to enhance the safety and survivablity of dry bulk carriers. This need was recognised within the IMO and other international organisations. In view of these developments at international level, the Commission services contracted, in 1998, a study to assess the terminal procedures in the Community against the relevant international recommendations on ship/port interface. The results of this study indicated clearly the need to improve the procedures of communication and cooperation between bulk carriers and the dry bulk cargo-handling terminals in European ports at which they call, accompanied by the suggestion that this improvement could be best ensured by setting up a quality assurance policy for the terminals. The international survey concludes that many of the problems can be avoided if loading and unloading terminals are made aware that they are also responsible for the safety of bulk carriers. The European Commission is of the opinion that complementary measures are necessary to slow down the alarming rate of bulk carrier losses. Consideration should be given to the added value that specific complementary legislative action at EU level could provide to give impetus to the safety measures decided at international level. This current proposal seeks to establish a legal framework in the Community for applying, in a harmonised way, the relevant provisions of the Code of Practice for the Safe Loading and Unloading of Bulk carriers (BLU Code), which was adopted by the IMO in 1997 through IMO Assembly Resolution A.862(20). It seeks further to ensure that the five main principles referred to the operative part of this IMO Assembly Resolution are implemented as essential requirements. This operative part urges contracting Governments in whose territories solid bulk cargo loading and unloading terminals are situated to introduce port by-laws to the effect that: - terminal operators are required to comply with the relevant IMO Codes and recommendations on ship/port cooperation; - terminal operators are required to appoint a "terminalrepresentative" as stipulated in section 1.6 of the Annex to Resolution A.797(19); - the master is responsible at all times for the safe loading and unloading of the ship, the details of which should be confirmed with the terminal operator in the form of an agreed loading or unloading plan; - in the event of non-compliance with the agreed loading plans or any other situation which endangers the safety of the ship, the master has the right to stop the loading or unloading; and - Port authorities have the right to stop the loading or unloading of solid bulk cargoes when the safety of the ship carrying cargoes is endangered. Lastly, the proposal lays down the procedures for monitoring of and reporting on the established procedures. In order to effectively monitor the implementation of the envisaged harmonised procedures and to assess their safety enhancing impact, the proposal foresees in a system of surveillance by the Member States, including random inspections of loading or unloading operations at the terminals. The proposal further provides that Member States have to report on a bi-annual basis the results of their monitoring efforts to the Commission. The Directives scope of application concerns all bulk carriers, irrespective of their flag, that fall within the SOLAS definition of bulk carriers and the terminals in the Community they are calling at for the loading and unloading of solid bulk cargoes, with the exclusion of grain. In conclusion, the aim of the proposal is to provide better protection of the safety of bulk carriers calling at terminals in the Community for the loading and unloading of solid bulk cargoes. It seeks to reduce the risks of excessive stresses and physical damage to the ship's structure during cargo-handling operations, by laying down suitability requirements for those ships and terminals by establishing harmonised procedures for cooperation and communication between those ships and the terminals.