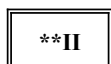


17 March 1998      A4-0090/98



## RECOMMENDATION FOR SECOND READING

on the common position adopted by the Council with a view to the adoption of a Council Directive 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) (C4-0082/98 - 97/0215(SYN))

Committee on Transport and Tourism

Rapporteur:    Mr Jean-Pierre Bazin

Commented [COMMENT1]:  
NOAM

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NOAM

## **C O N T E N T S**

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A.     DRAFT DECISION   4

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At its sitting of 4 December 1997, Parliament delivered its opinion at first reading on the proposal for a Council Directive 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).

At the sitting of 19 February 1998 the President of Parliament announced that the common position had been received and referred to the Committee on Transport and Tourism as the committee responsible and the committee on the Environment, Public Health and Consumer Protection for its opinion.

At its meeting of 29 October 1997 the committee had appointed Mr Jean-Pierre Bazin rapporteur.

It considered the common position and the draft recommendation for second reading at its meeting of 17 March 1998.

At that meeting it decided to apply the procedure without debate pursuant to Rule 99(1) of the Rules of Procedure.

At that meeting it adopted the draft decision unanimously.

The following were present for the vote: Lüttge, acting chairman; Sisó Cruellas, vice-chairman; Aparicio Sánchez, Baldarelli, Castricum, Cornelissen, Cunningham (for Klironomos), Danesin, Donnay, Grosch, Jarzembowski, Kaklamanis (for Killilea), Koch, Konrad (for Camisón Asensio), Langenhagen, Lataillade (for Parodi), McIntosh, Megahy, Paasio (for Sindal), Piecyk, Sarlis, Schierhuber (for Ferri), Schlechter, Schmidbauer, Seal, Simpson B., Stenmarck, Tamino (for van Dijk), van Dam, Väyrynen (for Wijzenbeek, vice-chairman) and Watts.

The recommendation for second reading was tabled on 17 March 1998 .

The deadline for tabling amendments to the common position or proposals to reject it will be indicated in the draft agenda for the relevant part-session.

A  
DRAFT DECISION

**Decision on the common position established by the Council with a view to the adoption of a Council Directive 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) (C4-0082/98 - 97/0215(SYN))**

**(Cooperation procedure: second reading)**

The European Parliament,

- having regard to the common position of the Council, C4-0082/98 - 97/0215(SYN),
  - having regard to its opinion at first reading on the Commission proposal to the Council COM(97)0416(),
  - having been consulted by the Council pursuant to Article 189c of the EC Treaty (C4-0456/97),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A4-0090/98),
1. Approves the common position;
  2. Instructs its President to forward this decision to the Council and Commission.

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<sup>(1)</sup> OJ C 264, 30.8.1997, p. 33.

## **B**

### **EXPLANATORY STATEMENT**

As was pointed out in the first reading report, the updating of Directive 95/21/EC is essential, to take account of developments in international legislation. The date of 1 July 1998 mentioned in the proposal will allow the substantial amendments made in 1995 to the STCW Convention on the training and qualifications of seafarers to apply, and coincides with the date the ISM (International management code for the safe operation of ships) will come into force for certain categories of vessel.

The main aim in amending the directive is to send flag States, shipowners and operators and the shipping world in general a strong and clear political signal: the Community will not be extending the internationally-set deadline. At the same time the proposal seeks to establish specific procedures for vessels not carrying ISM certificates.

In view of the imminent entry into force of the ISM code and the importance of enforcing it, the European Parliament approved the Commission proposal as a matter of urgency and unamended.

The rapporteur therefore welcomes the fact that the Council has in its turn adopted its common position without delay and without substantial change.

The common position amends Article 2 of the basic directive to mention the date of the entry into force of the most recent amendments to the Paris Memorandum of Understanding on port State control, i.e. 14 January 1998.

The new Article 9a(1) now incorporates into the legislative text the sole justification for authorizing a vessel to leave a port, which is to avoid congestion. This reason had already been set out in the Commission's explanatory memorandum and emphasized in my first reading report.

In the reference to Article 11(6) of the basic Directive now added to the common position, the Council makes it clear that even in cases where, because of the absence of the necessary documents, access to another Community port should be refused in principle, vessels may be allowed in for reasons of marine safety, environmental protection or health.

As the ISM code will be coming into force on 1 July 1998 the rapporteur would propose that the Committee on Transport accept the Council's changes to the directive, which are simply editorial changes and clarifications and do not therefore represent any amendment. The rapporteur would also propose that the common position be approved in plenary under the Rule 99 simplified procedure.