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<TitreType>RECOMMENDATION FOR SECOND READING</TitreType>

<Titre>on the common position established by the Council with a view to the adoption of a European Parliament and Council Directive concerning the enforcement of seafarers’ hours of work on board ships using Community ports</Titre>

<DocRef>(8639/2/1999 - C5‑0035/1999 – 1998/0321(COD))</DocRef>

<Commission>{EMPL}Committee on Employment and Social Affairs</Commission>

Rapporteur: <Depute>Stephen Hughes</Depute>

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| Symbols for procedures | Abbreviations for committees |
|  \* Consultation procedure*majority of the votes cast* \*\*I Cooperation procedure (first reading)*majority of the votes cast* \*\*II Cooperation procedure (second reading)*majority of the votes cast, to approve the common positionmajority of Parliament’s component Members, to reject or amend the common position* \*\*\* Assent procedure*majority of Parliament’s component Members to give assent majority of the votes case in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty* \*\*\*I Codecision procedure (first reading)*majority of the votes cast* \*\*\*II Codecision procedure (second reading)*majority of the votes cast, to approve the common positionmajority of Parliament’s component Members, to reject or amend the common position* \*\*\*III Codecision procedure (third reading)*majority of the votes cast, to approve the joint text*(The type of procedure depends on the legal basis proposed by the Commission) |  I. AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy II. BUDG Committee on Budgets III. CONT Committee on Budgetary Control IV. LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs V. ECON Committee on Economic and Monetary Affairs VI. JURI Committee on Legal Affairs and the Internal Market VII. INDU Committee on Industry, External Trade, Research and Energy VIII. EMPL Committee on Employment and Social Affairs IX. ENVI Committee on the Environment, Public Health and Consumer Policy X. AGRI Committee on Agriculture and Rural Development XI. PECH Committee on Fisheries XII. REGI Committee on Regional Policy, Transport and Tourism XIII. CULT Committee on Culture, Youth, Education, the Media and Sport XIV. DEVE Committee on Development and Cooperation XV. AFCO Committee on Constitutional Affairs XVI. FEMM Committee on Women's Rights and Equal Opportunities XVII. PETI Committee on Petitions |

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<PgReglementaire>Procedural page

At its sitting of {06-05-1999}6 May 1999 Parliament confirmed as its first reading under the codecision procedure its vote of 14 April 1999 on the proposal for a European Parliament and Council Directive concerning the enforcement of seafarers’ hours of work on board ships using Community ports.

At the sitting of {23-07-1999}23 July 1999 the President of Parliament announced that the common position had been received and referred to the {EMPL}Committee on Employment and Social Affairs.

The committee appointed Stephen Hughes rapporteur at its meeting of {27-07-1999}27 July 1999.

It considered the common position and the draft recommendation for second reading at its meetings of 31 August 1999, 20 September 1999 and 14 October 1999.

At the last meeting it adopted the draft legislative resolution by 35 votes to 2, with 1 abstention.

The following were present for the vote: Hermange, vice-chairperson, Menrad, vice-chairman; Hughes, rapporteur; Ainardi; Andersson; Aviles Perea; van den Burg; Bushill-Matthews; Damiao; Ducarme; Dover (for Cocilovo); Fatuzzo; Figueiredo; Flautre; Glase; Helmer (for Lombardo); Hudghton; Jensen (for Cacciari); Kessler (for Ghilardotti, pursuant to Rule 153.2); Lambert; Lisi (for Perez Alvarez); Lynne; T. Mann; Mantovani; Medina Ortega (for Cercas Alonso); Myller (for De Rossa); Oomen-Ruijten (for Podesta); Pronk; Saifi; Sbarbati; Schmid; Skinner; Suominen; Thorning-Schmidt; Trentin (for Ettl); Van Lancker; Van Orden (for Provan) and Weiler.

The recommendation for second reading was tabled on 21 October 1999.

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

<PgPartieA><SubPage>DRAFT LEGISLATIVE RESOLUTION

Legislative resolution of the European Parliament on the Council common position with a view to adopting a European Parliament and Council directive concerning the enforcement of seafarers’ hours of work on board ships using Community ports (8639/2/1999 - C5‑0035/1999 – 1998/0321(COD))

<ProcLect>(Codecision procedure: second reading)</ProcLect>

The European Parliament,

- having regard to the common position of the Council, 8639/2/1999 - C5-0035/1999),

- having regard to its opinion at first reading[[1]](#footnote-1) on the Commission proposal to Parliament and the Council COM(1998) 662[[2]](#footnote-2),

- having regard to Article 251 of the EC Treaty,

- having regard to Rule 78 of its Rules of Procedure,

- having regard to the recommendation for second reading of the {EMPL}Committee on Employment and Social Affairs (A5-0042/1999),<Action>

1. Approves the common position;

2. Notes that the act is adopted in accordance with the common position;

3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;

4. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal;

5. Instructs its President to forward its position to the Council and Commission.

**EXPLANATORY STATEMENT**

# BACKGROUND TO THE PACKAGE OF PROPOSALS

The original package of proposals presented by the Commission in November 1998 had contained four legislative proposals on the organisation of working time in sectors and activities which had been excluded from Directive 93/104/EC of 23 November 1993.

These concerned:

* An overall amendment to the 1993 directive (covered by the Smet report, ex-Chanterie);
* A directive on road transport (currently blocked in the Transport Council);
* A directive implementing the agreement between the social partners on seafarers (directive adopted on 21 June 1999[[3]](#footnote-3)1);
* A directive on enforcement of working hours on board ships using Community ports.

Parliament gave its first reading on the whole package on 14 April 1999, and this was confirmed under the new codecision procedure under the Amsterdam Treaty on 6 May 1999.

Your rapporteur is dealing here only with the last proposal, on enforcement of working hours on board ships using Community ports, given the lack of progress in Council on the roads dossier.

## THE MARITIME SECTOR

The proposal before us today must be seen in conjunction with the directive implementing the social partners’ agreement on seafarers’ working hours and the Commission Recommendation on ratification of ILO Convention 180 on hours of work in shipping[[4]](#footnote-4)2. It specifies how and to what extent the provisions of the agreement and directive on seafarers’ working time should be complied with by third country vessels using Community ports; it also clarifies how this ties in with ILO Convention 180.

At first reading, Parliament made no amendments to the Commission’s proposal concerning working hours on board ships using Commuity ports.

However, one of the important points stressed by the rapporteur at first reading, Mr McMahon, was that the three regulatory provisions concerning seafarers must come into force at the same time in order to guarantee comparabe levels of health and safety protection and to avoid unfair competition and possible social dumping caused by different provisions applying for ships flying the flag of a Member State as opposed to those flying the flag of a third country.

## THE COMMON POSITION

The Common Position introduced a number of changes to the original proposal from the Commission. However, the rapporteur shares the view of the Commission that these are not substantive changes, and that on the whole they improve the text either technically or linguistically.

The only changes made by Council which the rapporteur believes should be brought to the attention of members concern the timing for implementation of the directive.

In the first instance, the date of implementation has been moved back twelve months to 30 June 2002, a move which parallels the change in implementation date made in the directive on the social partners’ agreement. This ensures their simultaneous coming into force. Your rapporteur considers that this is still a reasonable deadline for implementation of the directives and understands that the delay is due mainly to technical reasons concerning the time needed for Member States to set in place the procedures for ratifying the ILO Convention.

The second change made by Council in the Common Position actually tightens up the timing on implementation by deleting the Commission proposal that third country ships should only comply with the directive three months after the entry into force of the ILO Convention. The text as it now stands would ensure simultaneous coming into force of all three provisions, which was Parliament’s aim at the outset.

Bearing these points in mind, the rapporteur recommends acceptance of the Common Position.

1. OJ C 219, 30.7.1999, p. 240 [↑](#footnote-ref-1)
2. OJ C 43, 17.2.1999, p. 16 [↑](#footnote-ref-2)
3. 1 OJ L 167, 2.7.1999, p. 33 [↑](#footnote-ref-3)
4. 2 Also published in COM(1998) 662 [↑](#footnote-ref-4)