

Safety rules and standards for passenger ships: simplification; Commission delegated and implementing powers

2016/0170(COD) - 06/06/2016 - Legislative proposal

PURPOSE: to simplify and streamline the existing EU passenger ship safety regulatory framework (safety standards).

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND : [Directive 2009/45/EC](#) of the European Parliament and of the Council aims to attain a high level of safety and to remove barriers to trade, by setting harmonised safety standards at an appropriate level for passenger ships and craft operating domestic services.

This Directive has brought about a common high safety level across the EU and important internal market benefits.

In the spirit of the Commission's **REFIT** and **Better Regulation agenda** and as an immediate

follow-up to the [fitness check](#) on EU passenger ship safety legislation, the Commission considers that the existing EU passenger ship safety regulatory framework should be simplified and streamlined in order to (i) maintain EU rules where necessary and proportionate; (ii) ensure their correct implementation; and (iii) eliminate potential overlap of obligations and inconsistencies between related pieces of legislation.

The **fitness check** revealed that:

- the Directive currently applies only to 70 out of 1950 small ships, the key safety aspects of which have been already defined by Member States;
- several Member States certify aluminium ships under this Directive while few others do not. This creates an uneven situation resulting from a different interpretation of the Directive's scope related to the definition of an 'equivalent material' and the applicability of the corresponding fire safety standards.

The proposal is fully consistent with the simplification proposals [amending Council Directive 98/41/EC](#) and the [proposal replacing Council Directive 1999/35/EC](#)

CONTENT: the Commission proposes to **clarify and simplify the safety rules and standards for passenger ships** so that they are easier to update, monitor and enforce.

The main amendments proposed are as follows:

- **to eliminate a number of redundant, inconsistent or incorrect references**, in particular related to the Intact Stability Code, High Speed Craft Code, bow height definition, port area (aligned with the definition of a sea area), place of refuge (removed), port State (replacing host State in line with the review of Directive 1999/35/EC), and recognised organisation;
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to provide for new definitions of traditional ship, sailing ship, pleasure yacht and craft, tender, and equivalent material. In particular, the definition of **traditional ship** should be better aligned with [Directive 2002/59/EC](#) of the European Parliament and of the Council¹⁸, while preserving the current criteria of the year of built and type of material. The definition of pleasure yacht and craft should be further aligned with the International Convention for the Safety of Life at Sea (SOLAS Convention);

- **to clarify the definition of equivalent material** to avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards. Ships built from such materials have to be certified according to this Directive;
- **to exclude ships below 24 metres** from the scope of the Directive, and to clarify that the Directive does not apply to sailing ships, tenders and ships referred to in the SPS code (including offshore supply vessels);
- **to simplify the definitions of sea areas C and D** (references to the criteria of 'where the shipwrecked persons can land' and 'distance to place of refuge' removed), and to clarify that the sea areas is established by Member States in such a manner that the inner border of sea area D is clearly delimited;
- to update the reference to the host State (replaced by port State), to clarify that the **conversion requirement** is meant to apply to all ships (when converted in a passenger ships), not only to existing passenger ones and to insert a new date of application for ships built in equivalent material before the entry into force of the Directive;
- to increase transparency and to facilitate the notification of exemptions, equivalencies and additional safety measures by Member States, by providing for the establishment of a **database** by the Commission. It should include the notified measures in their draft and adopted form;
- to clarify that only ships fulfilling the requirements of this Directive are provided with a Passenger ship **Safety Certificate**;
- to align Directive 2009/45/EC with the provisions of the Treaty on the Functioning of the EU with regard to the **power to adopt delegated and implementing acts** conferred on the Commission.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.