

Registration of persons sailing on board passenger ships operating to or from ports of the Member States: simplification

2016/0171(COD) - 06/06/2016 - Legislative proposal

PURPOSE: to simplify and streamline the existing EU passenger ship safety regulatory framework (registration of persons sailing on board).

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: [Council Directive 98/41/EC](#) – the first piece of EU legislation dealing with information on persons on board - provides for **counting and registration of passengers and crew on board of passenger ships operating to and from the EU ports**. It aims to ensure that the safety of passengers is not compromised by exceeding the maximum authorised number of persons on board and that search and rescue in the aftermath of any accident can be dealt with effectively.

Since 1998, however, other pieces of EU law and international conventions dealing with related issues have entered into force and new technological systems and solutions have been developed. This has resulted in **increasingly complex and overlapping legal provisions** dealing with the counting, registration and reporting of persons on board.

Experience of implementation has shown that **the information on persons on board is not always readily available to the competent authorities**. According to the current requirements, this information has to be stored in the company's system and be – at all times – readily available for transmission to the competent authority responsible for search and rescue. This requirement ignores the development of systems such as **SafeSeaNet** and the National Single Window and requires that the national competent authority contacts the shipping company in the event of an emergency. Moreover, the recorded data does not always include information on nationality (i.e. besides name, age and sex), making the assistance provided to victims and their relatives more difficult. As a result, operators that already transmit such data to the [National Single Window](#) are subjected to a **double reporting regime**.

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 proposal is fully consistent with the simplification proposals amending Directive [2009/45/EC of the European Parliament and of the Council](#) and the [new Directive replacing Council Directive 1999/35/EC](#).

CONTENT: the Commission proposes to **amend Directive 98/41/EC in order to update, clarify and simplify the existing requirements** for counting and registration of passengers and crew on board passenger ships while enhancing the level of safety that they provide.

The main amendments are as follows:

- to align as far as possible the definitions with the proposal amending Directive 2009/45/EC and with the proposal for a new Directive replacing 1999/35/EC and to align the **responsibility of the passenger registrar** with the proposal to remove the requirement for the information required by this Directive to be retained by the company ;
- to clarify the scope of the Directive and to bring it in line with the **definition of port areas as defined** in accordance with the proposal amending Directive 2009/45/EC;
- to replace the requirement to store the information on the number of persons on board in the company by recording it in the **National Single Window** or **transmission** by means of Automatic Identification System;
- to introduce the **information on nationality of persons on board** and to replace the requirement to store the lists of passengers and crew by the company by recording it in the National Single Window;
- to align the reference with the proposed means of data transmission and to clarify the responsibilities of Member States with respect to passenger ships flying the flag of a third country;
- to reflect the new role of the passenger registrar (i.e. **not to store but to transmit the data**) and to remove the requirement to set up a company passenger registration system;
- to reflect EU law on protection of **personal data** and specifies that personal data shall be destroyed by the company once transmitted to the single window (without prejudice to other reporting obligations);
- to remove the outdated reference to **the exemption** for regular services crossing the Strait of Messina, and to remove the possibility to exempt operators from transmitting the number of persons on board to the competent authorities;
- to ensure that the exemption criteria reflect the proximity of search and rescue facilities which are no longer included in the new definition of protected sea areas;
- to simplify the notification of exemptions via a **database** to be established and maintained for this purpose;
- to align Directive 98/41/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.