

System of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service

2016/0172(COD) - 06/06/2016 - Legislative proposal

PURPOSE: to simplify and streamline the existing EU passenger ship safety regulatory framework (inspections for the safe operation of ro-ro ferry and high-speed passenger craft (HSC) in regular service).

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 1999/35/EC](#) provides for a number of types of inspection addressing particular safety characteristics of ro-ro ferries and high-speed craft (HSC). Notwithstanding the fact that the special inspection regime for these vessels remains necessary, **the requirements of this Directive no longer match the realities.**

Since then, **the port State control regime** has been strengthened, especially after [Directive 2009/16/EC](#) of the European Parliament and of the Council came into force, establishing a risk-based inspection regime and including a minimum number of inspections on high risk ships that Member States must carry out.

Today, the vast majority of Member States combine or replace some of the inspections required under Directive 1999/35/EC with either flag State surveys or port State control inspections. This practice renders the implementation and enforcement of this Directive problematic, given the different scope of these inspections and **regulatory overlaps.**

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 [Council Directive 98/41/EC](#)

CONTENT: the Commission proposes **to replace Directive 1999/35/EC in order to update, clarify and simplify the existing survey requirements for ro-ro ferries and HSC** while maintaining the same level of safety and key delivery mechanisms.

The main points of the proposed new directive are as follows:

- **to limit the scope of the directive** to ships providing regular ro-ro ferry and high-speed passenger craft services between ports within a Member State or between a port in a Member State and a port in a third State where the flag of the vessel is the same as that of the Member State in question;

- to **remove a number of redundant definitions and references** such as "passenger", "host state", "international voyages", "exemption certificate", and to delete the reference to the investigation of marine casualties which is now covered by [Directive 2009/18/EC](#) of the European Parliament and of the Council;
 - to **provide for system of ship (rather than company) based inspections** prior to the commencement of a regular service. The vessel must undergo an inspection in accordance with Annex II and a number of safety management issues set out in Annex I must also be verified;
 - to stipulate that ships falling within the scope of the Directive are **inspected twice per year** with a certain time-lag between inspections and that one of these inspections should be an in-service inspection **during a regular crossing**;
 - to provide that Member State can, if they wish, **combine** the inspection with a flag State survey which would have to be carried out in respect of a vessel on a yearly basis;
 - to bring into line the provisions relating to the **inspection reports, prohibitions of departure, appeals, costs**, the inspection database and penalties with those provided in Directive 2009/16/EC;
 - align the directive with the provisions of the Treaty on the functioning of the European Union concerning the exercise of the **Commission's powers** in relation to delegated acts.
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- to amend Directive 2009/16/EC to ensure that the **current content and frequency** of ro-ro ferries and high-speed passenger craft inspections is maintained;
 - to provide for **assessment** of the directive by 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.