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

2016/0172(COD) - 19/04/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Dominique RIQUET (ADLE, FR) on the proposal for a directive of the European Parliament and of the Council on a system of inspections for the safe operation of ro-ro ferry and high-speed passenger craft in regular service and amending Directive 2009/16/EC of the European Parliament and of the Council on port State control and repealing Council Directive 1999/35/EC.

The committee recommended that the European Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Clarification between the scope of the Directive and Directive 2009/16/EC: Members pointed out that for ships flying the flag of a Member State providing regular ro-ro ferry and high-speed passenger craft services **between a Member State and a non-Member State**, Directive 2009/16/EC (port State control) is to apply if the flag being flown is not the same as the flag of the Member State in question

Definitions: Members defined the **competent authority** of the Member State as the authority appointed by the Member State under this Directive and responsible for carrying out the tasks assigned to it by this Directive.

Exceptions to the requirement for pre-commencement inspections: in the case of pre-commencement inspections, a Member State **may dispense with certain requirements or procedures** that are laid down or set out in Annexes I and II and that are relevant to an annual flag State survey or inspection carried out, within the previous six months, with respect to procedures designed to achieve the same goal.

Regular inspections: Member States should carry out every twelve-month period:

- an inspection in accordance with Annex II;
- a **second inspection** during a regular service, which shall not be carried out earlier than **four months** or later than **eight months** after the first inspection.

Members proposed **deleting from the proposal the exemption from inspections of regular services** as proposed by the European Commission (in the event of a change of management or in the case of transfer of class of ro-ro ferry or high-speed passenger craft).

The inspector of the competent authority of the port State may agree, during an inspection of a ro-ro passenger ship or high-speed passenger craft, to be accompanied by a **port State control inspector of another Member State**, who shall act in the capacity of an observer.

When inspection is exercised, all possible efforts shall be made to avoid a ship being unduly detained or delayed.

Given their high and specific risk profile, ro-ro ferries and high-speed passenger craft should be systematically considered to be **high-risk vessels** and should therefore be inspected as a matter of priority.

Costs: as regards the costs incurred in the detention of a vessel, Members suggested clarifying the text by specifying that the system of possible extra charges for the port shall be governed by the **contractual relationship** between the operator and the port.

Inspection database: information related to inspections, including on deficiencies and prohibition of departure orders, should be **transferred to the inspection database within 24 hours** of the inspection report being completed or of the prohibition of departure order being lifted.

Delegated acts: Members proposed that the power to adopt delegated acts be conferred on the Commission for a **period of five years (renewable)** from the date of entry into force of this Directive. The European Maritime Safety Agency should conduct and present a study on the actual consequences of the application of this Directive.