

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

2016/0170(COD) - 04/10/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 659 votes to 12, with 17 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/45/EC on safety rules and standards for passenger ships.

Improving the application of Directive 2009/45/EC should aim at **maintaining a high level of safety, and hence of passenger confidence**, through common safety standards.

The European Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

**Scope:** the amended text specifies that Member States **which do not have seaports and which have no passenger ships or craft flying their flag** that fall within the scope of this Directive may derogate from the provisions of this Directive.

As long as these conditions are met, those Member States would not be obliged to transpose this Directive.

Those Member States which intend to avail themselves of such derogation shall communicate to the Commission if the conditions are met and shall inform the Commission annually thereafter of any subsequent change.

**Categorisation of sea areas and classes of passenger ships:** the sea areas shall be divided into different categories, namely **areas A, B, C and D**, the characteristics of which are specified in the Directive.

Each Member State shall: (i) establish, and update when necessary, a list of the sea areas within its jurisdiction; (ii) determine the inner border of the sea area closest to the line of its coast; (iii) publish the list in a public database available on the Internet site of the competent maritime authority; (iv) notify to the Commission when modifications are made to the list.

Passenger ships shall be divided into **different classes** (A, B, C and D) depending on the sea area in which they may operate.

**Aluminium ships:** an amendment provides that a Member State which has, on the date of entry into force of the Directive, more than **60 passenger ships** built in aluminium alloy flying its flag may, up to **12 years after the date of transposition**, exempt from the provisions of the Directive Class B, C and D passenger ships built in aluminium, provided that the level of safety is not compromised.

**Passenger ships below 24 meters in length:** these vessels shall be excluded from the scope of that Directive and should be subject to specific safety standards determined by Member States. When defining these standards, Member States shall comply with the **guidelines to be published by the Commission**. Those guidelines should take into consideration any international agreements and conventions by the IMO, as appropriate, and should avoid introducing additional requirements that go beyond existing international rules.

**Ship-carried tenders** are used to ferry passengers from passenger ships directly to shore and back, taking the shortest safe sea route. They are not appropriate, and shall **not be used, for other types of services such as coastal sightseeing excursions**. Such excursions shall be undertaken by ships that meet the requirements for passenger ships of the coastal State. Member States and the Commission shall promote discussion at the IMO with a view to reviewing the guidelines in order to increase safety. The Commission shall assess the need to make the guidelines mandatory.

**Sailing ships:** in order to maintain a harmonised level of safety for sailing ships in Europe, Parliament suggested that the Commission should assess and define the common requirements for this category of passenger ship by 2020.

**Offshore installations served by vessels:** Member States are called on to actively support the work of the International Maritime Organisation (IMO) in defining appropriate safety standards for offshore vessels. These ships carry workers who require different and specific safety rules.

**Safety standards and ship crew:** in order to maintain a high level of safety throughout a passenger ships voyage, the amended text stressed for account to be taken of the **link between safety, shipboard living, working conditions and training**, including training related to cross-border rescue and emergency operations in line with international requirements. The social dimension for seafarers on board ship should be improved.

**Greece:** Greece shall be allowed to derogate from the requirement of establishing sea areas. In particular, it shall be allowed to classify passenger ships according to the specific sea route that they operate, while maintaining the same criteria for classes of passenger ships and the same safety standards.