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

2016/0171(COD) - 15/11/2017 - Final act

PURPOSE: to update, clarify and simplify the current counting and registration requirements for passengers and crew on board passenger vessels while also improving safety aspects.

LEGISLATIVE ACT: Directive (EU) 2017/2109 of the European Parliament and of the Council amending Council Directive 98/41/EC on the registration of persons travelling on board passenger ships operating to or from ports of entry Member States of the Community and Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for vessels arriving in and/or leaving from ports of the Member States.

CONTENT: this Directive which amends Directive 98/41/EC introduces a requirement for the registration and digital notification of passenger data using harmonised administrative procedures (the national single window introduced by Directive 2010/65/EU) in order to facilitate search and rescue operations in the event of an emergency.

The amended directive applies to passenger ships, with the exception of war ships, pleasure craft and vessels operating exclusively in ports or inland waterways. Its main features are:

Digital notification of the number of passengers on board: the new rules aim at digitizing the registration of the passengers of ships, the objective being the immediate availability of the exact number of passengers and other information for the use of the search and rescue services in the event of an accident.

Under the new requirements, data will be sent to the competent authority in **electronic format within 15 minutes of the vessel's departure**. Two means of transmission may be used, under certain conditions: the national single window or the automatic identification system.

For a **transitional period of six years** from 20 December 2017, Member States may allow the information to be communicated to the company's passenger registrar or to the shore-based company system that performs the same function.

Information recorded by passenger ships: to facilitate assistance to victims and their families, the recorded data will include:

- the names of the persons on board, their first names, sex, **nationality**, date of birth,
- at the request of the passenger, information on the **specific needs** for care or assistance in emergency situations,
- if the Member State so decides and at the request of the passenger, **an emergency number**.

Data protection: personal data gathered must be systematically processed **in accordance with EU law** on data protection and privacy and must not be processed or used for any purpose other than that provided for in the Directive. They must be **erased automatically and without undue delay** after the vessel's voyage has been safely completed or, where appropriate, when the investigation or legal proceedings following an accident has been completed.

Exemption: Member States may exempt from the obligation to report the number of persons on board and the communication of the list, passenger ships which operate exclusively in a protected maritime area where they provide regular **services of less than one hour between port calls**, and provided that the proximity of search and rescue facilities is ensured in that sea area.

ENTRY INTO FORCE: 20.12.2017.

TRANSPOSITION: no later than 21.12.2019. The provisions of the directive apply from the same date.

DELEGATED ACTS: the Commission may adopt delegated acts as regards the non-application, for the purposes of this Directive, of amendments to international instruments, if necessary. The power to adopt such acts is conferred on the Commission for a period of **seven years** (renewable) from 20 December 2017. The European Parliament or the Council have the right to oppose a delegated act within a period of two months (extendable by two months) from the date of the notification of the act.