

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

2016/0172(COD) - 15/11/2017 - Final act

PURPOSE: to simplify and streamline the existing EU regulatory framework for the inspection of ro-ro and high-speed passenger ships.

LEGISLATIVE ACT: Directive (EU) 2017/2110 of the European Parliament and of the Council on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC.

CONTENT: in the light of the quality assessment of the existing legislation on passenger safety carried out by the Commission, this Directive **replaces Directive 1999/35/EC with a view to updating, clarifying and simplifying the existing requirements** on ro-ro ferry and high-speed passenger craft while maintaining the same level of safety and the key mechanisms.

Scope: this Directive applies to ro-ro passenger ships and high-speed passenger craft operating on a **regular service** between a port of a Member State and a port of a third country where the flag of the vessel is the same as that of the Member State in question.

To further reduce the inspection effort and to maximise the time in which the ship or craft can be commercially exploited, whilst continuing to ensure high safety standards, **vessels subject to port State control inspections** shall therefore be transferred so that they fall within the scope of [Directive 2009/16/EC](#).

Pre-commencement inspections: the Member States shall carry out a pre-commencement inspection of ro-ro passenger ships or high-speed passenger craft **before they are put into operation on a regular service**. The vessel shall undergo an inspection in accordance with Annex II of the Directive and a number of safety management issues as set out in Annex I shall also be checked.

Before a ro-ro passenger ship or high-speed passenger craft starts to operate on a regular service covered by this Directive, the competent authorities of the Member States shall carry out a pre-commencement inspection.

In the case of pre-commencement inspections, a Member State may decide not to apply certain requirements or procedures in Annexes I and II relevant to any annual flag State survey or inspection carried out within the previous 6 months, provided that relevant procedures designed to achieve the same goal have been followed.

Regular inspections: Member States shall once in every 12-month period, carry out:

- an inspection, in accordance with Annex II;
- a **second inspection during a regular service**, taking place not before 4 months but not later than 8 months after the first inspection.

Member States, if they so wish, shall have the opportunity to combine the inspection with a flag State visit to which a vessel shall be required to carry out once a year.

Member States shall carry out an inspection in accordance with Annex II each time the ro-ro passenger ship or high-speed passenger craft undergoes repairs, alterations and modifications of a major character, or when there is a change of management, or a transfer of class.

On the completion of any inspection, the inspector shall draw up a **report**. A copy shall be given to the master. Where the flag of the vessel is that of a Member State, the port State shall, upon request, invite a representative of the flag State to accompany the inspection as an **observer**.

Rectification of anomalies: Member States should ensure that any deficiencies confirmed or revealed by an inspection are rectified. Where the **deficiencies** are clearly hazardous to health or safety or pose an immediate danger to health or life, the ro-ro passenger ship or high-speed passenger craft, its crew and passengers, the competent authority of the Member State shall ensure that the ro-ro passenger ship or high-speed passenger craft is subject to an **order prohibiting its departure**. The prohibition of departure order shall not be lifted until the deficiency has been rectified and the hazard has been removed and all danger has been averted.

Costs: the Directive provides that where the inspections confirm or reveal deficiencies warranting a prohibition of departure order, all costs relating to the inspections shall be **covered by the company**.

Inspection database: the Commission shall manage an inspection database to which all Member States shall be connected. This database shall be based on the inspection database referred to in Directive 2009/16/EC and have similar functionalities to that database.

ENTRY INTO FORCE: 20.12.2017.

TRANSPOSITION: no later than 21.12.2019. The measures of the Directive shall apply from the same date.

DELEGATED ACTS: the Commission may adopt delegated acts in respect of the non-application, for the purposes of this Directive, of amendments to the international instruments, if necessary, and the updating of technical specifications.

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 shall have the right to oppose a delegated act within a period of two months (extendable two months) from the notification of the act.