

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

1998/0064(SYN) - 21/12/1998 - Council position

The common position incorporates, in part or in full, 10 amendments adopted by the European Parliament at first reading and accepted by the Commission in its amended proposal. The incorporated amendments relate to the following: - the purpose of the directive, which is to create a mandatory survey regime; - the definition of "passenger"; - extending the directive to voyages by sea to and from the same port; - the definition of host state; - the deletion of Article 6 (3) of the proposal in order not to place on the company the burden of proof of compliance by the administration of their flag state with the requirements of the directive; - setting a time limit of not more than one month for carrying out the first survey; - communicating the main findings of the surveys to the flag state; - charging survey costs to the companies; - assessment by the Commission (first report 3 years after the entry into force of the directive and report on progress in the field of maritime passenger transport safety). While following the essential elements of the Commission proposal, the common position seeks to reinforce safety, reduce the costs levelled against maritime companies and administrations and ensure coherence of the directive with other instruments, whether those of the Community or those adopted by the IMO. In particular, the common position makes the following provisions: 1) extensive verifications and surveys of ships both before and after their entry into service: Member States will: - undertake an initial verification of ferries or craft with regard to their certification, classification, voyage data recorder and stability; - verify whether maritime companies are ensuring that the ship is appropriately run, and are fully disposed to cooperate with maritime accident investigations and whether the flag state is cooperating with those companies; - undertake an initial survey of these ships in order to verify whether they comply with the Convention on the Safety of Life at Sea (SOLAS); - during their use, conduct specific regular (annual) surveys of ships. The common position explains the rules to be followed by the administrations carrying out the surveys. Companies will be informed of the results of verifications and surveys. If norms are not complied with, companies will not be allowed to use the offending ships and will be required to rectify deficiencies. 2) Participation of the host state in maritime accident investigations: host states will be permitted to take full part in investigations into accidents affecting regular services to their ports. 3) Technical, organisational and surveillance requirements: Member States should make use of integrated navigational guidance schemes. The Commission will establish a database of ships covered by the directive in order to monitor the development of the safety of those ships which have been surveyed. Companies are required to draw up plans for dealing with onboard emergency situations.