Safety management of roll-on/roll-off (Ro-ro) passenger ferries

1995/0028(SYN) - 08/12/1995 - Final act

- OBJECTIVE: mandatory application from 1 July 1996 of the International Management Code for the safe operation of ships and for pollution prevention (ISM Code) to all regular roll-on roll-off passenger ferry services operating to or from Community ports. - COMMUNITY MEASURE: Council Regulation (EC) No 3051/95 on the safety management of roll-on roll-off passenger ferries (ro-ro ferries). - SUBSTANCE: . scope: - the regulation applies to all companies operating at least one ro-ro ferry to or from a port of a Member State on a regular service regardless of its flag; - the regulation does not apply: . until 31 December 1997, to companies established in Greece operating ferries under Greek flag and exclusively between Greek ports, . until 1 July 1997, to companies operating ro-ro ferries on a regular service exclusively in sheltered waters (areas where the annual probability of the significant wave height exceeding 1,5 m is less than 10%, and in which a ro-ro ferry is at no time more than six nautical miles from a place where shipwrecked persons can land) and between ports situated in the same Member State. . basic principle: all companies affected by the regulation must comply with the provisions of the ISM Code (in the annex to the regulation), as if the provisions thereof were mandatory, as a requirement for their vessels to provide regular services within the Community. The objectives of the Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the marine environment. . The regulation determines the conditions under which the provisions of the ISM Code are applied and lays down the conditions for the issue and verification of the document of compliance and safety management certificate: - A Member State may only issue documents of compliance for a company which has its principal place of business on its own territory. - Each Member State must accept a document of compliance or a safety management certificate issued by any other Member State in compliance with the principle of the mutual recognition of certification documents. - The document of compliance shall be valid for five years, provided that a verification takes place once a year, in order to confirm the proper functioning of the safety management system. Equally, the safety management certificate shall be valid for five years, provided that an intermediate verification takes place every thirty months (or more frequently). - A Member State may not recognize documents of compliance or safety management certificates issued by third countries unless it is satisfied that they comply with the regulation. - Where a Member State considers that a company operating a regular service to or from its ports represents a risk of serious danger to safety of life or property, or the environment (even though a valid document of compliance has been granted), it may suspend the operation of such service until the danger is removed. It shall inform the Commission, which will decide whether or not operation of the service should be suspended, with the assistance of a regulatory committee. - If a Member State delegates or relies upon another body in order to fulfil this regulation, it can only do so through a recognized organization. - The Commission, assisted by a regulatory committee, may amend the specific provisions derived from the ISM Code to take account of developments at international level. It may also amend the definition of 'recognized organization' responsible for the certification, verification and control of vessels and the periods of validity of the document of compliance and/or the safety management certificate. - ENTRY INTO FORCE: 1 January 1996. It is applicable from 1 July 1996. The Commission shall review the implementation of this regulation three years after its entry into force and propose any appropriate measures.