

Basic information**2016/0172(COD)**COD - Ordinary legislative procedure (ex-codecision procedure)
Directive

Procedure completed

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

Repealing Directive 1999/35/EC 1998/0064(SYN)
Amending Directive 2009/16/EC 2005/0238(COD)**Subject**

3.20.03.01 Maritime safety

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	RIQUET Dominique (ALDE)	27/06/2016
		Shadow rapporteur MONTEIRO DE AGUIAR Cláudia (PPE) UJHELYI István (S&D) FOSTER Jacqueline (ECR) KYLLÖNEN Merja (GUE /NGL) TAYLOR Keith (Verts/ALE) D'AMATO Rosa (EFDD) ARNAUTU Marie-Christine (ENF)	
Council of the European Union	Council configuration	Meetings	Date
	Employment, Social Policy, Health and Consumer Affairs	3569	2017-10-23
	Transport, Telecommunications and Energy	3505	2016-12-01
European Commission	Commission DG	Commissioner	
	Mobility and Transport	BULC Violeta	
European Economic and Social Committee			
European Committee of the Regions			

Key events

Date	Event	Reference	Summary
06/06/2016	Legislative proposal published	COM(2016)0371 	Summary
09/06/2016	Committee referral announced in Parliament, 1st reading		
01/12/2016	Debate in Council		
11/04/2017	Vote in committee, 1st reading		
11/04/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
19/04/2017	Committee report tabled for plenary, 1st reading	A8-0165/2017	Summary
26/04/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
15/05/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
11/07/2017	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2017)008503 PE610.759	
03/10/2017	Debate in Parliament		
04/10/2017	Decision by Parliament, 1st reading	T8-0375/2017	Summary
04/10/2017	Results of vote in Parliament		
23/10/2017	Act adopted by Council after Parliament's 1st reading		
15/11/2017	Final act signed		
15/11/2017	End of procedure in Parliament		
30/11/2017	Final act published in Official Journal		

Technical information

Procedure reference	2016/0172(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 1999/35/EC 1998/0064(SYN) Amending Directive 2009/16/EC 2005/0238(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/06755

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE589.485	08/02/2017	
Amendments tabled in committee		PE601.069	10/03/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0165/2017	19/04/2017	Summary
Text agreed during interinstitutional negotiations		PE610.759	21/06/2017	
Text adopted by Parliament, 1st reading/single reading		T8-0375/2017	04/10/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2017)008503	21/06/2017	
Draft final act	00036/2017/LEX	15/11/2017	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0371 	06/06/2016	Summary
Document attached to the procedure	SWD(2016)0189 	06/06/2016	
Document attached to the procedure	SWD(2016)0190 	06/06/2016	
Commission response to text adopted in plenary	SP(2017)766	06/12/2017	
Follow-up document	COM(2024)0207 	17/05/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2016)0371	01/08/2016	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES4259/2016	19/10/2016	

Additional information

Source	Document	Date
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European Commission	EUR-Lex	
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Final act		
Directive 2017/2110 OJ L 315 30.11.2017, p. 0061		Summary

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

2016/0172(COD) - 04/10/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 661 votes to 11, with 17 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on a system of inspections for the safe operation of ro-ro ferry and high-speed passenger craft in regular service and amending Directive 2009/16/EC of the European Parliament and of the Council on port State control and repealing Council Directive 1999/35/EC.

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

Scope: the Directive seeks to ensure the **safe operation of ro-ro passenger ships and high-speed passenger craft in regular service**. It shall not apply to ro-ro passenger ships and high-speed passenger craft which are covered by the port State control [Directive 2009/16/EC](#).

Pre-commencement inspections: the **competent authorities** of 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.

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 six months, provided that relevant procedures designed to achieve the same goal have been followed.

Regular inspections: in view of their specific risk profile, ro-ro passenger ships and high-speed passenger craft shall be regularly inspected as a **matter of priority**.

Member States shall carry out, once every twelve-month period:

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

During an inspection, the inspector of the competent authority of the port State may agree to **accompany a port State inspector** from another Member State as an observer.

Any inspection of ro-ro passenger ships and high-speed passenger craft falling within the scope of Directive 2009/16/EC shall be included in the total number of annual inspections carried out by each Member State. When inspections are carried out under Directive 2009/16/EC, all possible efforts should be made to avoid a ship being unduly detained or delayed.

Transfer: in a new Annex it is specified that when a ro-ro passenger ship or high-speed passenger craft is to be engaged on a regular service, the Member State concerned may **take into account inspections carried out within the last eight months by another Member State** in respect of that ro-ro passenger ship or high-speed passenger craft for operations on another regular service covered by this Directive.

In each case the Member State shall take the view that these previous inspections are relevant to the new operating conditions and that during those inspections the requirements for safe operation were met.

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

Inspection database: all Member States shall be connected. This database will be based on the inspection database referred to in Article 24 of Directive 2009/16/EC and shall have similar functionalities to that database.

A new recital stressed the need to take into account the **on-board working and living conditions** of the crew and the training and qualifications of its members, given that health, safety and social considerations are closely intertwined.

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

2016/0172(COD) - 06/06/2016 - Legislative proposal

PURPOSE: to simplify and streamline the existing EU passenger ship safety regulatory framework (inspections for the safe operation of ro-ro ferry and high-speed passenger craft (HSC) in regular service).

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: [Council Directive 1999/35/EC](#) provides for a number of types of inspection addressing particular safety characteristics of ro-ro ferries and high-speed craft (HSC). Notwithstanding the fact that the special inspection regime for these vessels remains necessary, **the requirements of this Directive no longer match the realities.**

Since then, **the port State control regime** has been strengthened, especially after [Directive 2009/16/EC](#) of the European Parliament and of the Council came into force, establishing a risk-based inspection regime and including a minimum number of inspections on high risk ships that Member States must carry out.

Today, the vast majority of Member States combine or replace some of the inspections required under Directive 1999/35/EC with either flag State surveys or port State control inspections. This practice renders the implementation and enforcement of this Directive problematic, given the different scope of these inspections and **regulatory overlaps.**

In the spirit of the Commission's **REFIT** and **Better Regulation agenda** and as an immediate follow-up to the [fitness check](#) on EU passenger ship safety legislation, the Commission considers that the existing EU passenger ship safety regulatory framework should be simplified and streamlined in order to (i) maintain EU rules where necessary and proportionate; (ii) ensure their correct implementation; and (iii) eliminate potential overlap of obligations and inconsistencies between related pieces of legislation.

The proposal is fully consistent with the simplification proposals amending Directive

[2009/45/EC of the European Parliament and of the Council](#) and [Council Directive 98/41/EC](#)

CONTENT: the Commission proposes **to replace Directive 1999/35/EC in order to update, clarify and simplify the existing survey requirements for ro ferries and HSC** while maintaining the same level of safety and key delivery mechanisms.

The main points of the proposed new directive are as follows:

- **to limit the scope of the directive** to ships providing regular ro-ro ferry and high-speed passenger craft services between ports within a Member State or between a port in a Member State and a port in a third State where the flag of the vessel is the same as that of the Member State in question;
- **to remove a number of redundant definitions and references** such as "passenger", "host state", "international voyages", "exemption certificate", and to delete the reference to the investigation of marine casualties which is now covered by [Directive 2009/18/EC](#) of the European Parliament and of the Council;
- **to provide for system of ship (rather than company) based inspections** prior to the commencement of a regular service. The vessel must undergo an inspection in accordance with Annex II and a number of safety management issues set out in Annex I must also be verified;
- to stipulate that ships falling within the scope of the Directive are **inspected twice per year** with a certain time-lag between inspections and that one of these inspections should be an in-service inspection **during a regular crossing**;
- to provide that Member State can, if they wish, **combine** the inspection with a flag State survey which would have to be carried out in respect of a vessel on a yearly basis;
- to bring into line the provisions relating to the **inspection reports, prohibitions of departure, appeals, costs**, the inspection database and penalties with those provided in Directive 2009/16/EC;
- align the directive with the provisions of the Treaty on the functioning of the European Union concerning the exercise of the **Commission's powers** in relation to delegated acts.
- to amend Directive 2009/16/EC to ensure that the **current content and frequency** of ro-ro ferries and high-speed passenger craft inspections is maintained;
- to provide for **assessment** of the directive by the Commission.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

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.

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

The Committee on Transport and Tourism adopted the report by Dominique RIQUET (ADLE, FR) on the proposal for a directive of the European Parliament and of the Council on a system of inspections for the safe operation of ro-ro ferry and high-speed passenger craft in regular service and amending Directive 2009/16/EC of the European Parliament and of the Council on port State control and repealing Council Directive 1999/35/EC.

The committee recommended that the European Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Clarification between the scope of the Directive and Directive 2009/16/EC: Members pointed out that for ships flying the flag of a Member State providing regular ro-ro ferry and high-speed passenger craft services **between a Member State and a non-Member State**, Directive 2009/16/EC (port State control) is to apply if the flag being flown is not the same as the flag of the Member State in question

Definitions: Members defined the **competent authority** of the Member State as the authority appointed by the Member State under this Directive and responsible for carrying out the tasks assigned to it by this Directive.

Exceptions to the requirement for pre-commencement inspections: in the case of pre-commencement inspections, a Member State **may dispense with certain requirements or procedures** that are laid down or set out in Annexes I and II and that are relevant to an annual flag State survey or inspection carried out, within the previous six months, with respect to procedures designed to achieve the same goal.

Regular inspections: Member States should carry out every twelve-month period:

- an inspection in accordance with Annex II;
- a **second inspection** during a regular service, which shall not be carried out earlier than **four months** or later than **eight months** after the first inspection.

Members proposed **deleting from the proposal the exemption from inspections of regular services** as proposed by the European Commission (in the event of a change of management or in the case of transfer of class of ro-ro ferry or high-speed passenger craft).

The inspector of the competent authority of the port State may agree, during an inspection of a ro-ro passenger ship or high-speed passenger craft, to be accompanied by a **port State control inspector of another Member State**, who shall act in the capacity of an observer.

When inspection is exercised, all possible efforts shall be made to avoid a ship being unduly detained or delayed.

Given their high and specific risk profile, ro-ro ferries and high-speed passenger craft should be systematically considered to be **high-risk vessels** and should therefore be inspected as a matter of priority.

Costs: as regards the costs incurred in the detention of a vessel, Members suggested clarifying the text by specifying that the system of possible extra charges for the port shall be governed by the **contractual relationship** between the operator and the port.

Inspection database: information related to inspections, including on deficiencies and prohibition of departure orders, should be **transferred to the inspection database within 24 hours** of the inspection report being completed or of the prohibition of departure order being lifted.

Delegated acts: Members proposed that the power to adopt delegated acts be conferred on the Commission for a **period of five years (renewable)** from the date of entry into force of this Directive. The European Maritime Safety Agency should conduct and present a study on the actual consequences of the application of this Directive.