Basic information

2022/0036(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Ro-ro passenger ships: stability requirements Amending Directive 2003/25 2002/0074(COD) **Subject** 3.20.03 Maritime transport: passengers and freight 3.20.03.01 Maritime safety	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	TRAN Transport and Tourism	ZĪLE Roberts (ECR)	01/04/2022
		Shadow rapporteur ADAMOWICZ Magdalena (EPP) TAX Vera (S&D) NAGTEGAAL Caroline (Renew) PAULUS Jutta (Greens/EFA) KOUNTOURA Elena (The Left)	
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Mobility and Transport	VĂLEAN Adina	
European Economic and Social Committee			
European Committee of the Regions			

Key events

Date	Event	Reference	Summary
18/02/2022	Legislative proposal published	COM(2022)0053	Summary

07/03/2022	Committee referral announced in Parliament, 1st reading		
10/10/2022	Vote in committee, 1st reading		
10/10/2022	Committee decision to open interinstitutional negotiations with report adopted in committee		
21/10/2022	Committee report tabled for plenary, 1st reading	A9-0255/2022	Summary
09/11/2022	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
21/11/2022	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
31/01/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE740.748 GEDA/A/(2023)000080	
14/03/2023	Decision by Parliament, 1st reading	T9-0064/2023	Summary
14/03/2023	Results of vote in Parliament		
25/04/2023	Act adopted by Council after Parliament's 1st reading		
10/05/2023	Final act signed		
15/05/2023	Final act published in Official Journal		

Technical information

Procedure reference	2022/0036(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2003/25 2002/0074(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/9/08416

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE734.092	12/07/2022	
Amendments tabled in committee		PE736.380	09/09/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0255/2022	21/10/2022	Summary
Text agreed during interinstitutional negotiations		PE740.748	21/12/2022	
Text adopted by Parliament, 1st reading/single reading		T9-0064/2023	14/03/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2023)000080	21/12/2022	
Draft final act	00076/2022/LEX	10/05/2023	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2022)0053	18/02/2022	Summary
Document attached to the procedure	SWD(2022)0029	18/02/2022	
Commission response to text adopted in plenary	SP(2023)193	26/04/2023	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1212/2022	18/05/2022	

Additional information

Source	Document	Date
European Parliament	Briefing	30/08/2022
European Commission	EUR-Lex	

Final act

Directive 2023/0946
OJ L 128 15.05.2023, p. 0001 Summary

Ro-ro passenger ships: stability requirements

2022/0036(COD) - 18/02/2022 - Legislative proposal

PURPOSE: to amend Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships.

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

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

BACKGROUND: Directive 2003/25/EC of the European Parliament and of the Council establishes a uniform level of specific stability requirements for ro-ro passenger ships improving the survivability of this type of vessel in case of collision damage and providing a high level of safety for the passengers and the crew in combination with the requirements set out in the SOLAS Convention in force at the date of adoption of the Directive (SOLAS 90).

The International Maritime Organisation (IMO) adopted revised specific provisions on stability standards for passenger ships in damaged conditions on 15 June 2017 which apply also to ro-ro passenger ships. It is necessary to take into account those developments at international level and to align the Union rules and requirements with those established in the International Convention for the Safety of Life at Sea ('the SOLAS Convention') for ro-ro passenger ships engaged in international voyages.

This proposal is an immediate follow-up to the fitness check on EU passenger ship safety legislation. It has been prepared in view of the latest developments on the international level and the results of the Commission's technical study that compared the regulatory framework as provided by Directive 2003/25/EC with the one provided by SOLAS 2020, identifying and providing evidence of any potential safety gaps between the two sets of rules. The Commission also identified, assessed and considered alternative measures that could close such safety gaps (towards an increased safety) by taking into account the overall survivability of the ship.

Taking into account the results of the study and the overall objective of simplifying and harmonising the EU regulatory framework for the safety of passenger ships, a proposal for the amendment of Directive 2003/25/EC has been prepared.

CONTENT: the proposal to amend Directive 2003/25/EC has following specific objectives:

- ensure consistency as far as practicable with the recently updated international damage stability standards as agreed at the IMO for passenger ships;

- reduce the complexity as well as the technical and administrative burden, primarily stemming from two different regimes for evaluating the survivability of ro-ro passenger ships in damaged condition;

- reduce the ambiguity of definitions and requirements, where possible, in the light of the amended Directive 2009/45/EC; and

- eliminate outdated provisions concerning international instruments no longer relevant or in force.

The overarching objective is to provide for a clear, simple and up-to-date legal framework that is easier to implement, monitor and enforce, thus increasing the overall safety level.

Its main elements are as follows:

Definitions

For the sake of clarity and consistency, many definitions and references to relevant EU legislation and SOLAS regulations have been updated. Several existing definitions, such as those for 'existing ship', 'new ship', 'regular service', 'port state' and 'specific stability requirements' are amended.

Sea areas

The obligation for Member States to publish their lists of sea areas together with the significant wave heights values has been simplified.

Specific stability requirements

These rules are divided a) according to the date when the keel of ships was laid or when the ships were at a similar stage of construction; and b) according to the capacity of the ships to carry passengers on board.

Existing and already certified ships will continue to apply the current requirements, while newly built and newly certified ships put into regular service operation in the EU will need to comply with the updated international rules (SOLAS 2020 for ships with the capacity to carry more than 1350 persons on board) combined with the specific EU requirement for R-index (SOLAS 2020 + SDC3 level of R-index value - for ships with the capacity to carry 1350 or fewer persons on board).

For a transitional period of ten years, ships with a capacity to carry 1350 persons or fewer would have a choice between two sets of stability regulations: the current regulations (set out in section A of Annex I) or the updated regulations (set out in section B of Annex I). After this ten-year period, it is planned to evaluate the use of these two options and to revise the Directive accordingly.

Ro-ro passenger ships: stability requirements

2022/0036(COD) - 15/05/2023 - Final act

PURPOSE: to improve the stability requirements applicable to ro-ro passenger ships, known as 'ferries'.

LEGISLATIVE ACT: Directive (EU) 2023/946 of the European Parliament and of the Council amending Directive 2003/25/EC as regards the inclusion of improved stability requirements and the alignment of that Directive with the stability requirements defined by the International Maritime Organization.

CONTENT: Directive 2003/25/EC of the European Parliament and of the Council establishes a uniform level of specific capacity requirements for ro-ro passenger ships which improves the survivability of this type of ship in the event of collision damage and provides a high level of safety.

Directive 2003/25/EC of the European Parliament and of the Council establishes a uniform level of specific stability requirements for ro-ro passenger ships improving the survivability of this type of vessel in the case of collision damage and providing a high level of safety for the passengers and the crew.

The revised directive ensures, as far as possible, consistency with the applicable international standards for the stability of damaged passenger ships recently updated by the International Maritime Organization (IMO) under its 2020 International Convention for the Safety of Life at Sea (SOLAS Convention).

The IMO has recently introduced a new model for assessing the survivability of damaged 'ro-ro' passenger ships, as well as new related requirements. However, these new international standards are not completely in line with the requirements already in force in the Union for smaller new vessels. Therefore, the new law maintains a level of safety requirements equivalent to existing Union law for those ships.

The revised directive also aims to strengthen fleet entry requirements within the Union for existing large vessels that have not yet been certified in the Union.

In order not to impose a disproportionate administrative burden on landlocked Member States which have no seaports, and which have no ro-ro passenger ships flying their flag falling within the scope of Directive 2003/25/EC, such Member States should be allowed to derogate from the provisions of Directive 2003/25/EC.

In order to enable the Commission to evaluate and report to the European Parliament and the Council on the implementation of this Directive, Member States should provide data on every new ro-ro passenger ship that is certified to carry 1 350 or fewer persons on board for regular service in compliance with the stability requirements contained in this directive. This data will be provided in accordance with the structure set out in Annex II. This data will be available for all new ro-ro passenger ships, as they are required to comply with the probabilistic stability requirements set out in SOLAS 2020.

ENTRY INTO FORCE: 4.6.2023.

TRANSPOSITION: 5.12.2024.

Ro-ro passenger ships: stability requirements

2022/0036(COD) - 21/10/2022 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Roberts ZILE (ECR, LV) on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/25/EC as regards the introduction of increased stability requirements and their harmonisation with the stability requirements of the International Maritime Organisation.

It is recalled that Directive 2003/25/EC of the European Parliament and of the Council establishes a uniform level of specific ability requirements for ro-ro passenger ships which improves the survivability of this type of vessel in the event of collision damage and provides a high level of safety.

The general objective of the revision of the EU passenger ship safety legislation is to simplify and streamline the existing regulatory framework in order to: (i) maintain EU rules where necessary and proportionate; (ii) ensure their correct implementation; and (iii) eliminate a potential overlap of obligations and inconsistencies between related legislative acts. The overarching objective is to provide a clear, simple and up-to-date legal framework that is easier to implement, monitor and enforce, thus improving the overall level of safety.

Members support the proposal for a Directive to amend the current rules on the safety of ro-ro passenger ships in damaged condition by bringing the EU rules into line with the international rules established by the IMO.

The committee proposed a technical amendment, as well as amendment on a **derogation** for Member States which have no seaports and which have no ships flying their flag that fall within the scope of this Directive, in order to avoid a disproportionate administrative burden for those Member States. In case these conditions change, respective Member State will be obliged to transpose this Directive.

Thus, Member States which do not have seaports and which have no ro-ro passenger ships or craft flying their flag that fall within the scope of this Directive may derogate from the provisions of this Directive. Any Member State that intends to avail itself of such derogation should notify the Commission at the latest on the date of transposition of the Directive. Such a Member State may not allow ro-ro passenger ships that fall within the scope of the Directive to fly its flag or may not open its national ship register to that ship until that ship has transposed and implemented this Directive.

Ro-ro passenger ships: stability requirements

2022/0036(COD) - 14/03/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 624 votes to 1, with 3 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/25/EC as regards the inclusion of improved stability requirements and its alignment with stability requirements defined by the International Maritime Organisation.

Parliament adopted its position at first reading. It supported the proposal for a directive aimed at amending the existing rules on the safety of ro-ro passenger ships in damaged condition by aligning the Union rules with the international rules established by the International Maritime Organisation (IMO).

The amended text introduces a **derogation** for Member States which have no seaports and which have no ships flying their flag that fall within the scope of this Directive, in order to avoid a disproportionate administrative burden for those Member States. In case these conditions change, respective Member State will be obliged to transpose this Directive. Any Member State that intends to avail itself of such derogation should notify the Commission at the latest on the date of transposition of the Directive. Such a Member State may not allow ro-ro passenger ships that fall within the scope of the Directive to fly its flag or may not open its national ship register to that ship until that ship has transposed and implemented this Directive.

The amendments also specify that:

- Port States should cooperate to the fullest extent possible in order to establish the list of sea areas referred to in the Directive, taking into account the sovereignty of States over the sea areas under their jurisdiction and the general principles of the law of the sea;

- the European Maritime Safety Agency (EMSA) will assist the Commission in the effective implementation of Directive 2003/25/EC and should endeavour to continue this assistance in accordance with Regulation (EC) No 1406/2002 of the European Parliament and of the Council.

In order to enable the Commission to evaluate and report to the European Parliament and the Council on the implementation of this Directive, Member States should provide data on every new ro-ro passenger ship that is certified to carry 1 350 or fewer persons on board for regular service in compliance with the stability requirements contained in this Directive. This data should be provided in accordance with the structure set out in Annex II. This data should be available for all new ro-ro passenger ships, as they are required to comply with the probabilistic stability requirements set out in SOLAS 2020.