

Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1996/0041(SYN)	Procedure completed
Passenger ships: safety rules and standards Amended by 2000/0237(COD) Amended by 2002/0075(COD) Repealed by 2007/0257(COD) Subject 3.20.03 Maritime transport: passengers and freight 3.20.03.01 Maritime safety 3.20.15.06 Maritime or inland transport agreements and cooperation		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		22/11/1995
		PPE STENMARCK Per	
	Former committee responsible		
	TRAN Transport and Tourism		22/11/1995
		PPE STENMARCK Per	
	Former committee for opinion		
	JURI Legal Affairs, Citizens' Rights		24/01/1996
		UPE SCHAFFNER Anne-Marie	
	ENVI Environment, Public Health and Consumer Protection		24/04/1996
		UPE FITZSIMONS James (Jim)	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2074	17/03/1998
	Transport, Telecommunications and Energy	2016	18/06/1997
	Transport, Telecommunications and Energy	1937	18/06/1996

Key events			
10/07/1995	Additional information		Summary
28/02/1996	Legislative proposal published	COM(1996)0061	Summary
28/03/1996	Committee referral announced in Parliament		
18/06/1996	Debate in Council	1937	

01/07/1996	Vote in committee		Summary
01/07/1996	Committee report tabled for plenary, 1st reading/single reading	A4-0230/1996	
04/09/1996	Debate in Parliament		
05/09/1996	Decision by Parliament	T4-0437/1996	Summary
05/11/1996	Modified legislative proposal published	COM(1996)0536	Summary
30/06/1997	Council position published	12476/1996	Summary
17/07/1997	Committee referral announced in Parliament, 2nd reading		
29/10/1997	Vote in committee, 2nd reading		Summary
29/10/1997	Committee recommendation tabled for plenary, 2nd reading	A4-0332/1997	
05/11/1997	Debate in Parliament		Summary
06/11/1997	Decision by Parliament, 2nd reading	T4-0532/1997	Summary
19/12/1997	Modified legislative proposal published	COM(1997)0716	
17/03/1998	Act adopted by Council after consultation of Parliament		
17/03/1998	End of procedure in Parliament		
15/05/1998	Final act published in Official Journal		

Technical information

Procedure reference	1996/0041(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amended by 2000/0237(COD) Amended by 2002/0075(COD) Repealed by 2007/0257(COD)
Legal basis	EC before Amsterdam E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/09055

Documentation gateway

Legislative proposal	COM(1996)0061 OJ C 238 16.08.1996, p. 0001	28/02/1996	EC	Summary
Economic and Social Committee: opinion, report	CES0693/1996 OJ C 212 22.07.1996, p. 0021	29/05/1996	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0230/1996 OJ C 261 09.09.1996, p. 0004	01/07/1996	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0437/1996 OJ C 277 23.09.1996, p. 0012-0019	05/09/1996	EP	Summary

Modified legislative proposal		COM(1996)0536 OJ C 068 05.03.1997, p. 0008	05/11/1996	EC	Summary
Council position		12476/1996 OJ C 293 26.09.1997, p. 0001	30/06/1997	CSL	Summary
Commission communication on Council's position		SEC(1997)0469	30/06/1997	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0332/1997 OJ C 358 24.11.1997, p. 0004	29/10/1997	EP	
Text adopted by Parliament, 2nd reading		T4-0532/1997 OJ C 358 24.11.1997, p. 0011-0027	06/11/1997	EP	Summary
Modified legislative proposal		COM(1997)0716	19/12/1997	EC	
Implementing legislative act		32002L0025 OJ L 098 15.04.2002, p. 0001-0126	05/03/2002	EU	Summary
Implementing legislative act		32003L0075 OJ L 190 30.07.2003, p. 0006-0009	29/07/2003	EU	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 1998/18](#)

[OJ L 144 15.05.1998, p. 0001](#) Summary

Passenger ships: safety rules and standards

PREVIOUS COMMUNITY LEGISLATION: - Council Recommendation 78/584/CEE of 26 June 1978 on the ratification of conventions on safety in shipping (OJ L 194, 19.7.1978, p. 17). - Council Regulation 91/613/EEC of 4 March 1991 on the transfer of ships from one register to another within the Community (OJ L 68, 15.3.1991, p. 1). - Commission Regulation (EEC) No 2158/1993 of 28 July 1993 concerning the application of amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, and to the International Convention for the Prevention of Pollution from Ships, 1973, for the purpose of Council Regulation (EEC) No 613/91 (OJ L 194, 3.8.93, p. 5). - Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions. PREVIOUS POSITION OF EP: The European Parliament had always emphasised the need to implement all efforts aimed at improving safety at sea and had expressed its concern regarding the lack of respect for the international conventions in this area and the Member States' delays in ratifying them. See: Resolution on a common policy on safe seas of 11 March 1994 (OJ C 91, 28.3.94) and Resolution on safety at sea of 27 October 1994 (B4-0236/94). SITUATION IN THE MEMBER STATES: The SOLAS Convention did not apply, inter alia, to passenger ships, to cargo vessels that were not the appropriate size and to fishing vessels under 45 m.

Passenger ships: safety rules and standards

OBJECTIVE: To guarantee an equivalent and harmonized level of safety for passenger ships in international traffic from and to European Union ports. SUBSTANCE: The proposal for a Council directive provides for the application, with adaptations, of the provisions of the Safety of Life at Sea (SOLAS) Convention to passenger ships from the Member States. It set common safety standards for passenger ships making national voyages, whatever flag they are flying, divided up into classes according to the various sea areas in which they operate. These common safety standards relate essentially to construction (compartmentalization and stability, machinery and electrical appliances), fire protection and rescue equipment. The following sets of provisions as proposed: - a first set of provisions aimed at dividing passenger ships into classes according to the sea area in which they operate; - a second set of measures aimed at establishing the general safety conditions applicable to the various classes of passenger ship (detailed requirements), - a third set of measures concerning additional safety provisions, equivalences and exemptions; - a fourth set of provisions concerning surveys and the issuing of certificates allowing the authorized bodies to carry out surveys and certify that a ship is seaworthy. A declaration of compliance will be issued to ships which comply with the directive. Finally, the directive sets out the negotiating procedures, in the context of the IMO, for the harmonization of international safety standards applicable to passenger ships operating in international traffic, and the granting of exemptions to ships carrying out short international crossings or voyages in sheltered areas. ?

Passenger ships: safety rules and standards

The Committee welcomes the proposal for a Directive and, above all, the plan to harmonize the application of safety rules and standards for passenger ships on domestic voyages, thereby avoiding distortions of competition in this area. The Committee considers it appropriate that the requirements laid down differ according to class of ship and whether the ships have already been built or have yet to be built. The Committee emphasizes the importance of European cooperation within the framework of the Paris memorandum. The Committee would recall its Opinion on the proposal for a Council Directive on Port State Control in Community ports - an area in which a great deal remains to be done. Lastly, and in line with earlier Opinions, the Committee maintains that the Commission should not replace the Member States on the IMO. However, this should not stop it coordinating the Member States' participation in this organization, making proposals and giving a lead.?

Passenger ships: safety rules and standards

The transport committee has approved two Commission proposals designed to improve both safety on passenger ships and also in the air. With 230 ships on average being lost at sea every year since 1986 involving an annual loss of more than 1000 lives, the committee is anxious to see in place the proposed legislation which will fill a gap which currently exists in international regulations governing passenger ships and high speed craft operating exclusively in domestic waters, i.e. between ports of the same Member State, irrespective of their flags. These vessels are not covered by the existing international safety requirements. The same applies to ships which, in the course of their voyage, do not proceed more than 20 miles from the nearest land. The current situation in the Member States is characterised by a wide variety in national safety regulations. Several amendments calling on the Commission to accept higher standards of safety where they already exist, as is the case in some Scandinavian Member States, were adopted as was another amendment on the introduction of an environmental clause. ?

Passenger ships: safety rules and standards

In adopting the report by Mr Per STENMARCK (PPE, Sw), Parliament approved the proposal for a Directive aimed at guaranteeing, at European level, stricter safety rules and standards on board passenger ships. Parliament adopted several amendments calling on the Commission not to impair the implementation of existing higher standards of safety in Member States and aimed at inserting various environmental considerations in the text of the Directive. It also called for: - the introduction of a guarantee for the training of ships' operators in safety procedures; - the creation of safety certificates for passenger ships; - specific safety measures for waters which are recognized as particularly dangerous (presence on board of survival clothing for passengers and crew). ?

Passenger ships: safety rules and standards

The amended Commission proposal on safety rules and standards for passenger ships includes in full or in substance a certain number of amendments adopted by the European Parliament. The main changes thus seek to: - restrict the scope of the directive to existing passenger ships of 24 metres in length and above; - change the name of the certificate from 'declaration of compliance' to 'passenger ship safety certificate'; - provide that existing Class B ships carrying more than 36 passengers should comply with the requirements set out in the directive not later than 1 October 2000 (instead of 1 October 1997); - guarantee a more active participation by the host Member State when existing passenger ships of Class C and D flying the flag of another Member State carry out domestic voyages in the host State; - provide that ships must conform not only to the requirements of the directive but also to any national safety requirements which are derived from specific local conditions and are subject to Commission approval. ?

Passenger ships: safety rules and standards

The common position corresponded largely to the Commission proposal. The document includes the substance of some of the amendments proposed by the European Parliament and introduces several additional provisions. The main Parliament amendments taken over by the Council sought to: - introduce the principle according to which, and in addition to the provisions in the Directive, passenger ships should comply with existing national safety requirements and to specific local conditions; - guarantee that the host State was granted a more active role when existing passenger ships of Classes C and D sailing under the flag of another Member State had to undertake national trips through the territory of the host State; - change the name of the certificate from 'document of compliance' to 'Passenger Ship Safety Certificate'; - change the date of the entry into force of certain requirements from 1 October 1997 to 1 October 2000, so as to take into account the time needed by the industrial sector to carry out the main alterations to existing passenger ships; - introduce a provision on the difficulties that could be caused by the implementation of the technical systems in Annex I to existing small passenger ships. The Council also introduced new provisions on the following: - purpose of the directive: the text emphasized that the Community could not determine unilateral international rules but should work within the framework of the competent international organizations; - definitions: in the definitions of 'a new ship' and 'an existing ship', all references to high speed passenger craft were removed; - scope: the common position excluded from the Directive's scope: existing small passenger ships less than 24 metres in length; vessels constructed in a material other than steel or its equivalent and not covered by the standards concerning High Speed Craft or Dynamically Supported Craft; - application: the provisions defining expanded inspection laid down in the Port State Control Directive would become fully applicable to domestic passenger ships or craft; - safety requirements: the Council replaced the dates for the application of the relevant requirements for existing passenger ships with a more detailed timetable with a view to ensuring that older passenger ships complied with the provisions in the Directive before more recent ships. Moreover, the document stated that, in principle, all craft should meet the requirements of the High Speed Craft Code (HSC Code) but that certain craft built before certain dates could continue operation provided they met the requirements of the Code of Safety for Dynamically Supported Craft (DSC Code); - additional safety requirements: the common position allowed a group of Member States to adopt additional safety requirements justified by specific local conditions; new provisions allowed Member States to take safeguard measures; - surveys: the Council added to the parties which could carry out surveys on behalf of the Administration of the flag State, the Administration of a Member State if it had been authorized by the flag State to do so; - certificates: the document aimed to provide a more active role for the host State when high speed

passenger craft were to be engaged on domestic voyages in such a host State; - commitment: the Council requested that this be adopted in accordance with the IIIa procedure; - Annex I: many amendments proposed the inclusion of additional requirements with a view to enhancing the overall safety level of the original proposal. An annex to the common position contained draft declarations to be recorded in the minutes of the meeting of the Council at which the Directive would be adopted. ?

Passenger ships: safety rules and standards

The Commission supported the text of the common position as it respected the basic principles of the initial proposal and enhanced them, particularly through the provisions that improved the overall level of safety and integrated the substance of some of the amendments adopted by the European Parliament at first reading. ?

Passenger ships: safety rules and standards

The Committee adopted the draft recommendation by Mr Per STENMARCK (S, EPP) on Council's common position on safety rules and standards for passenger ships. After the coming into force of the directive concerned, the SOLAS Convention will apply equally to domestic voyages in the member states and the standards set in the High Speed Craft Code will apply also to high speed passenger craft. The rapporteur saw all his, mainly technical, - amendments for second reading adopted. The Council's common position takes on board more than half of Parliament's amendments with on occasion minor technical adjustments. In particular those that deal with the need to improve the professional training of crews and on the validity of security certificates for shipping. In Article 1 of the draft directive the EP had proposed the improvement of measures to protect the environment but this was not retained by either the Commission or the Council. However, the committee has introduced a new amendment proposing that environmental protection be dealt with either within the framework of security, or as one of the aims of the directive.

Passenger ships: safety rules and standards

Commissioner Kinnock said that Amendments Nos 1, 2, 3, 4, 6 and 7 could be accepted. However, he rejected Amendment No 5 on the advisory committee.

Passenger ships: safety rules and standards

In adopting the recommendation for second reading by Mr Per STENMARCK (PSE, S), the European Parliament approved the Council's common position. In addition to various technical amendments, Parliament asked that 'protection of the environment' be considered as one of the objectives of the directive. ?

Passenger ships: safety rules and standards

OBJECTIVE: to guarantee an equivalent and harmonised level of safety for passenger ships in international traffic from and to European Union ports. COMMUNITY MEASURE: Council directive 98/18/EC establishing safety rules and standards for passenger ships. CONTENT: the directive seeks to introduce uniform level of safety of life and property on new or existing passenger ships and high-speed passenger craft engaged on domestic voyages. The directive will extend the safety standards contained in the Convention on the Safety of Life at Sea (SOLAS), the harmonised interpretation of these standards established by the International Maritime Organisation (IMO) and the standards governing the construction and maintenance of the hull, machinery and installations specified by an authorised classification body to these ships. It also defines procedures for negotiation at international level with a view to harmonisation of the rules for passenger ships engaged on international voyages. All new or existing passenger ships must carry a passenger ship safety certificate which complies with the present directive. This certificate will be issued by the administration of the flag state following an initial survey before the ship is commissioned. ENTRY INTO FORCE: 4 June 1998 DEADLINE FOR TRANSPOSITION: 1 July 1998. ?

Passenger ships: safety rules and standards

PURPOSE : to amend the safety rules for passenger ships. COMMUNITY MEASURE : Commission Directive 25/2002/EC amending Council Directive 98/18/EC on safety rules and standards for passenger ships. CONTENT : When Directive 98/18/EC was adopted, international conventions including the 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) were in force. Amendments to the SOLAS Convention and other international codes have come into force since Directive 98/18/EC was passed. This Directive takes account of the changes by replacing Annex 1 to Directive 98/18/EC with the new international instruments. DATE FOR TRANSPOSITION : 15/10/02. ENTRY INTO FORCE : 15/04/02. DATE OF APPLICATION : 01/01/03, unless otherwise specified in the Annex. ?

Passenger ships: safety rules and standards

COMMUNITY MEASURE : Commission Directive 2003/75/EC amending Annex I to Council Directive 98/18/EC on safety rules and standards for passenger ships. CONTENT : Council Directive 98/18/EC on safety rules and standards for passenger ships applies to new and existing ships on domestic service according to the requirements of Annex I. Chapter III, section 5-1 of Annex I to Directive 98/18/EC required

modification to life-rafts, fast rescue boats, means of rescue and life jackets on existing ro-ro ships not later than the date of the first periodical survey after 1 July 2000. Commission Directive 2002/25/EC of 5 March 2002 amending Council Directive 98/18/EC on safety rules and standards for passenger ships required further modification of the same equipment by 1 January 2003. The corresponding SOLAS requirement allows for modifications of existing ships to take place at the time of major repairs, alterations or replacement of life-saving equipment. Directive 98/18/EC should therefore be amended to allow a reasonable deadline for applying these specific new requirements to existing ro-ro ships. ENTRY INTO FORCE : 30/07/2003. IMPLEMENTATION : 30/01/2004.?