

# Procedure file

Basic information		
SYN - Cooperation procedure (historic)	<a href="#">1996/0281(SYN)</a>	Procedure completed
Maritime safety: registration of persons sailing on board passenger ships Amended by <a href="#">2000/0237(COD)</a> Amended by <a href="#">2016/0171(COD)</a> 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
	<b>TRAN</b> Transport and Tourism		28/10/1996
		PSE <a href="#">WATTS Mark Francis</a>	
	Former committee responsible		
	<b>TRAN</b> Transport and Tourism		28/10/1996
		PSE <a href="#">WATTS Mark Francis</a>	
	Former committee for opinion		
	<b>BUDG</b> Budgets		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2108</a>	18/06/1998
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2059</a>	10/12/1997
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2016</a>	17/06/1997

Key events			
26/09/1996	Additional information		Summary
25/11/1996	Legislative proposal published	COM(1996)0574	Summary
29/01/1997	Committee referral announced in Parliament		
14/04/1997	Vote in committee		Summary
14/04/1997	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0152/1997</a>	
29/05/1997	Debate in Parliament		Summary
29/05/1997	Decision by Parliament	T4-0271/1997	Summary
23/07/1997	Modified legislative proposal published	COM(1997)0340	Summary

11/12/1997	Council position published	<a href="#">10066/1/1997</a>	Summary
18/12/1997	Committee referral announced in Parliament, 2nd reading		
25/02/1998	Vote in committee, 2nd reading		Summary
25/02/1998	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0068/1998</a>	
10/03/1998	Debate in Parliament		Summary
11/03/1998	Decision by Parliament, 2nd reading	T4-0133/1998	Summary
18/06/1998	Act adopted by Council after consultation of Parliament		
18/06/1998	End of procedure in Parliament		
02/07/1998	Final act published in Official Journal		

### Technical information

Procedure reference	1996/0281(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amended by <a href="#">2000/0237(COD)</a> Amended by <a href="#">2016/0171(COD)</a>
Legal basis	EC before Amsterdam E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/09593

### Documentation gateway

Legislative proposal	<a href="#">COM(1996)0574</a> <a href="#">OJ C 031 31.01.1997, p. 0005</a>	25/11/1996	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0152/1997</a> <a href="#">OJ C 167 02.06.1997, p. 0003</a>	14/04/1997	EP	
Economic and Social Committee: opinion, report	<a href="#">CES0472/1997</a> <a href="#">OJ C 206 07.07.1997, p. 0111</a>	23/04/1997	ESC	Summary
Text adopted by Parliament, 1st reading/single reading	T4-0271/1997 <a href="#">OJ C 182 16.06.1997, p. 0014-0031</a>	29/05/1997	EP	Summary
Modified legislative proposal	<a href="#">COM(1997)0340</a> <a href="#">OJ C 275 11.09.1997, p. 0007</a>	23/07/1997	EC	Summary
Council position	<a href="#">10066/1/1997</a> <a href="#">OJ C 023 23.01.1998, p. 0017</a>	11/12/1997	CSL	Summary
Commission communication on Council's position	SEC(1997)2285	11/12/1997	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0068/1998</a> <a href="#">OJ C 104 06.04.1998, p. 0006</a>	25/02/1998	EP	
Text adopted by Parliament, 2nd reading	T4-0133/1998 <a href="#">OJ C 104 06.04.1998, p. 0099-0115</a>	11/03/1998	EP	Summary

Commission opinion on Parliament's position at 2nd reading	COM(1998)0233	22/04/1998	EC	Summary
Follow-up document	COM(2024)0076	20/02/2024	EC	

<b>Additional information</b>	
European Commission	<a href="#">EUR-Lex</a>

<b>Final act</b>
<p><a href="#">Directive 1998/41</a>  <a href="#">OJ L 188 02.07.1998, p. 0035</a> Summary</p> <p>Final legislative act with provisions for delegated acts</p>

## Maritime safety: registration of persons sailing on board passenger ships

**PREVIOUS COMMUNITY LEGISLATION:** The numerous accidents involving roll-on/roll-off vessels in recent years have sharply accelerated the pace of legislative initiatives to improve safety, to which the Community institutions have always attached great importance in the framework of the common transport policy; important in this context is Regulation 3051/95/EEC of 8 December 1995 on the safety prevmanagement of roll-on/roll-off ferries (OJ L 320, 30.12.95, p. 14). **PREVIOUS POSITION OF EP:** This institution has always regarded safety as a priority objective of all transport policy; its point of view is reflected in several resolutions on the subject, including that of 11 March 1994 on a common policy on safe seas (OJ C91, 28.3.1994, p.301), of 27 October on safety at sea (OJ C 323, 21.11.94, p. 176), adopted one month after the sinking of the Estonia, and of 1 February 1996 with the same title (OJ C47, 19.2.96, p. 27). **SITUATION IN THE MEMBER STATES:** All the Member States have ratified the SOLAS Convention (International Convention for the Safety of Life at Sea).

## Maritime safety: registration of persons sailing on board passenger ships

**OBJECTIVE:** the introduction of common and harmonized procedures on the registration of persons sailing on board of passenger ships. **SUBSTANCE:** the proposal for a Council Directive provides for the establishment of a harmonized system intended to ensure that no passenger ship sailing to or from a Community port is carrying more than the number of passengers authorized by the relevant safety certificates and to gather information about the passengers on board in order to facilitate search and rescue operations after an accident. In practical terms there is provision that the total number of persons on board a passenger ship departing from a port inside the Community must be counted prior to departure and the number must be communicated to the master of the ship, a designated person on shore and, if applicable to the competent authority. This provision shall apply to all passenger ships, whatever the type of voyage. With regard to the collection of additional information on passengers for search and rescue operations, this obligation shall apply to all passenger ships operating out of and into a port in a Member State and undertaking voyages of more than 20 nautical miles between two ports. Under certain conditions the Member States may decide to reduce the limit of 20 nautical miles. The proposal also provides for derogations for very short voyages. ?

## Maritime safety: registration of persons sailing on board passenger ships

The Committee has adopted the report by Mark WATTS (UK, PES) on the registration of persons sailing on passenger ships. The rapporteur welcomed the Commission proposal but had tabled amendments to ensure that the Channel, including the tunnel and other future "under sea" road and rail links involving journeys of more than 20 miles, would be within the scope of the directive. All these amendments were adopted. Said Mark WATTS (Kent East PSE): "This directive is a fitting tribute to those who lost their lives in the "Herald of free Enterprise", "Estonia" and other passenger ships. It will not only significantly contribute to the effective operation of search and rescue services but I submit will also change the very way in which ship owners and operators view passengers. No longer just a source of revenue, but real people with a name, age and gender, and a precious life that must be protected from commercial expediency". ?

## Maritime safety: registration of persons sailing on board passenger ships

In broad terms the Committee welcomes the proposal for a Council directive. It accepts the necessity for Community legislation which is binding on the port state as well as the flag state. It welcomes the fact that the proposed directive is based on IMO decisions as contained in the SOLAS Regulation. As to the substance of the directive, it is beyond question that the number of passengers on board should be counted and that masters should be obliged to ensure that they do not exceed the number laid down in the vessel's passenger certificate. The recording of the names and other details of passengers constitutes a new requirement. There can be no doubt that the requirement to record the names of all their passengers will create considerable administrative difficulties for these ferry companies operating intensively scheduled services on routes where a significant number of passengers buy a ticket on a "turn-up-and-go" basis at the time of embarkation. The Committee suggests that the Commission should give further consideration to such a possibility, perhaps adding a clause to the proposed directive which would permit Member States to sanction an alternative recording arrangement on a particular route where they would judge the

requirement to record individual names to be impracticable. Essentially such an arrangement would have to be agreed by both (or all) the port states concerned, be fully compatible with the SOLAS criteria, take full cognizance of the SAR and weather forecasting facilities in the area and not result in any distortion of competition between one scheduled service and another. ?

## Maritime safety: registration of persons sailing on board passenger ships

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The rapporteur stressed the need to impose on shipping companies the obligation to register every passenger. The benefits of such a measure in terms of improving safety far outweighed all the administrative arguments against this. Among the key amendments tabled, Mr Watts highlighted the one which provided for immediate information on passengers, namely on the ship's departure and not an hour later (the Herald of Free Enterprise disaster occurred 22 minutes after sailing). Finally, according to the rapporteur, the directive in question should apply to both the Channel Tunnel and all journeys in excess of two hours. Commissioner Kinnock said that he could accept Amendments Nos 8, first part, 9 and 12 which recommended increased flexibility in order to cope with specific situations. However, he was against Amendments Nos 5, 7 and 10 which attempted to impose a registration system on motor cars using railway shuttles as this fell outside the scope of this maritime directive. For similar reasons relating to the directive's aim, the Commission could not accept Amendments Nos 1 to 4 or Amendments Nos 6 and 11.

## Maritime safety: registration of persons sailing on board passenger ships

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In adopting the report by Mr Mark Watts (PES; UK), the European Parliament amended the proposal for a directive on the registration of persons sailing on board of passenger ships. His amendments call for: - the directive to apply also to all 'under sea' rail tunnels involving car shuttle journeys in excess of twenty miles; - the passenger's age to be included in the information recorded in the passenger list; - passenger information to be recorded where the normal journey time is estimated to be at least two hours or if the distance between the two ports is at least 20 miles: - this information, together with the number of persons on board prior to departure, to be communicated to the person designated by the company; - where the ship's normal journey time is estimated to be less than two hours or the distance is less than 20 miles, the number of persons on board to be communicated to the person designated by the company. Parliament also stressed that safety standards for the design and building of Ro-Ro passenger vessels, including watertight bulkheads and sponsons, are urgently required and must be included among future measures to improve safety at sea. ?

## Maritime safety: registration of persons sailing on board passenger ships

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The Commission's amended proposal took account of the European Parliament's amendments aimed at introducing more flexibility in the directive as long as it did not present any obstacles to the registration of persons sailing on board passenger ships operating in areas characterised by dense traffic and weather and sailing conditions that were often hostile. To achieve this increased flexibility, the Commission made provision for exemptions and derogations which it would grant itself with the support of the advisory committee. As a result, it proposed replacing the definition of 'sheltered waters' with a definition of 'protected sea area', also adding the definition of 'regular service'. Moreover, the Commission agreed to include a reference to the exact age of passengers in addition to the requirement to indicate the age category, whilst retaining the possibility of providing first names or initials (rather than first names alone). The Commission could not accept the amendments aimed at: - inserting new recitals; - including a definition of 'seagoing passenger ship'; - ensuring that, in general, the master of the ship informed the company of the number of passengers on board and, for trips exceeding 20 miles, the passengers' personal details. ?

## Maritime safety: registration of persons sailing on board passenger ships

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The Commission is of the opinion that the text of the common position is acceptable since it respects the basic principles of the original proposal and provides added value by its clarifications. Its provisions introduce more flexibility without affecting the safety concern and the need for an efficient handling of the aftermath of any accident that might occur in non-protected sea areas. ?

## Maritime safety: registration of persons sailing on board passenger ships

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The Council adopted a common position on a text containing the substance of two amendments proposed by the European Parliament and a certain number of additional provisions. The common position applies to all seagoing passenger ships and high speed craft which carry more than 12 passengers and which depart from a port located in a Member State or undertake a journey from a third country to a Community port. It requires all persons on board to be counted prior to departure. However, passengers on board ships crossing the Strait of Messina may be counted under a simplified system subject to review. Moreover, if the ship undertakes voyages of more than 20 miles, the names, the sex, the age and the possible wishes for special care in emergency situations of all persons on board shall be recorded as well. Member States may nevertheless lower the 20-miles threshold. They may also exempt ships sailing exclusively in protected sea areas from the obligation to record passengers or request the Commission for an authorization to derogate from this obligation for regular services of not more than about 30 miles or for regular services to isolated communities in areas with low average wave heights where adequate navigational guidance, weather forecasts and search and rescue facilities are available. Before departure, the number of persons on board shall be communicated to the master and to the company's registrar or to a shore-based system that performs the same functions. The master shall also receive, before departure, information about possible wishes for special care in case of an emergency. However, Member States may exempt passenger ships operating regular services of less than one hour in protected sea areas from the obligation to communicate the number of persons on board to the passenger registrar. Before the ship sets sail, the Master shall ensure that the number of persons on board does not exceed the number the ship is permitted to carry. Within 30 minutes after departure, the passengers' personal data will be transmitted to the registrar. The

number of passengers and the personal data so collected shall be at all times readily available for transmission to the designated authority for search and rescue purposes. The counting system must be in place by 1.1.1999. The system of registration of passengers must be applied no later than 1.1.2000. ?

## Maritime safety: registration of persons sailing on board passenger ships

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The Committee wants to bring the shuttle trains in the Channel Tunnel under the scope of the Directive on the registration of persons aboard passenger ships operating to or from ports in the EU. Rapporteur Mark WATTS (PES, UK), who received the committee's support for his draft recommendation for second reading, announced that he would retable the amendment that "under-sea rail tunnels" like the Eurotunnel should register passengers. The directive requires that all passengers be registered on an inventory before a ferry or passenger vessel leaves a port, by name, age, sex and - if applicable - disability, on journeys of over 20 miles. Mark WATTS said that the Commission's original proposal would significantly enhance safety standards on cross-Channel routes but added that port authorities and some ferry companies believed it would seriously distort competition, given the fierce competitive situation vis-à-vis the shuttle operation in the Channel Tunnel. An assessment had therefore to be made of both the competition and the safety issues. The rapporteur had consulted widely and had witnessed the operational situation at both Dover and Calais as well as on board a cross-Channel ferry. He said the the Transport Committee had received evidence on two occasions after the serious and near-fatal fire in the Channel Tunnel and that he was not convinced that the tunnel was now completely safe. Mr WATTS said that bringing the shuttle under the scope of the directive could be achieved by amending the Commission proposal or even by proposing a separate directive for the shuttle and having both directives enter into force simultaneously. ?

## Maritime safety: registration of persons sailing on board passenger ships

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Recalling the full horror of the Estonia tragedy in 1994, the rapporteur insisted that the Commission's proposal should be improved through Parliament's amendments. As a result, he called for the directive to be applied to all undersea railway tunnels, including those for the transport of vehicles by rail over distances in excess of 20 miles (such as the Channel Tunnel). He pointed out in this respect that, during the Channel Tunnel fire in 1996, the rescue efforts of the fire services had been hampered by the lack of precise information about the number of passengers travelling on board the train. Finally, Mr Watts drew the Commissioner's attention to a recent study in the Which magazine which contained a worrying list of safety alerts on ferries throughout the Community, particularly in the Mediterranean. Commissioner Kinnock indicated that the Commission would continue its efforts to ensure that passenger safety on board ferries was as high as possible. The Commissioner rejected Amendments Nos 1, 2 and 3 which did not take into account the progress made in terms of safety. He also rejected Amendments Nos 6 and 8 which were superfluous given Articles 8 and 9 of the common position on the transmission of information. Finally, Mr Kinnock rejected Amendments Nos 4, 5 and 7 which aimed to extend the registration of passengers to undersea railway tunnels as, in his opinion, with regard to the Channel Tunnel for example, it was more appropriate for Channel Tunnel safety to be governed by the bilateral regulations agreed between the United Kingdom and France than by Community action.

## Maritime safety: registration of persons sailing on board passenger ships

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In adopting the recommendation for second reading by Mr Mark WATTS (PSE, UK), Parliament called for the Directive on the registration of persons sailing on board passenger ships to apply to all under-sea rail tunnels, including those involving car shuttle journeys by rail in excess of 20 miles (thus applying to the Channel Tunnel). It called for information on passengers to be recorded for all vessels departing from Community ports if the normal journey time was estimated to be at least 2 hours or if the distance between the two ports was at least 20 miles. This information should be communicated to shore before departure and not up to 30 minutes after departure, as initially proposed by the Commission. ?

## Maritime safety: registration of persons sailing on board passenger ships

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In its opinion following Parliament's second reading, the Commission states that it has decided not to incorporate any of the amendments adopted by Parliament. The Commission considers that the amendments are either inappropriate (reference to the lack of progress made in the safety of passenger transport): irrelevant (extension of the directive to under sea rail tunnels for the transport of cars by rail) or redundant (amendment concerning the length of journeys). Consequently, the Commission recommends rapid adoption of this proposal in line with the text of the Council common position. ?

## Maritime safety: registration of persons sailing on board passenger ships

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**OBJECTIVE:** To enhance the safety and possibilities of rescue of passengers and crew on board passenger ships and to ensure that search and rescue and the aftermath of any accident can be dealt with more effectively. **COMMUNITY MEASURE:** Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from a port of the Member States to the Community. **SUBSTANCE:** The directive applies to all passenger ships and high speed craft carrying more than 12 passengers departing from a port located in a Member State or travelling from a third country to a Community port. It requires that all persons on board be counted before the ship departs. Before departure, the number of persons on board must be communicated to the master of the ship and to the company's passenger registrar or to a shore-based company performing the same function. The master must ensure that the number of persons on board a ship departing from a port located in a Member State does not exceed the number that the ship is permitted to carry. If the ship is undertaking a voyage of more than 20 miles, information must be recorded regarding the name, sex and age of all persons on board and any requests for special care in emergency situations. Personal information on passengers must be communicated not later than 30 minutes after departure to the passenger registrar. The number of passengers and personal information must at all times be readily available for transmission to the designated authority for search and rescue purposes. Member States may however lower the 20-mile threshold. They may also exempt ships sailing

exclusively in protected sea areas from their requirement to record passengers, or request authorisation from the Commission to exempt regular services where the voyage does not exceed about 30 miles or regular services to isolated communities in areas where waves have a low average height and which have shore based navigational systems, reliable weather forecasts and adequate search and rescue facilities. The Member States may also exempt passenger ships providing regular services of less than one hour in protected sea areas from the requirement to communicate the number of persons on board to the passenger registrar. Registration systems must meet the functional criteria of readability, availability, facilitation and security. ENTRY INTO FORCE: The counting system is to come into a force by 01/01/1999 at the latest. The passenger registration system is applicable by 01/01/2000 at the latest. ?