



Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1998/0064(SYN)	Procedure completed
Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation Amended by 2000/0237(COD) Amended by 2005/0240(COD) Repealed by 2016/0172(COD) Subject 3.20.03 Maritime transport: passengers and freight 3.20.03.01 Maritime safety		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		17/03/1998
		PSE WATTS Mark Francis	
	Former committee responsible		17/03/1998
	TRAN Transport and Tourism		PSE WATTS Mark Francis
	Former committee for opinion		
	BUDG Budgets	The committee decided not to give an opinion.	
	ECON Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Industry	2174	29/04/1999
	Transport, Telecommunications and Energy	2153	20/12/1998
	Transport, Telecommunications and Energy	2108	17/06/1998

Key events			
18/02/1998	Legislative proposal published	COM(1998)0071	Summary
13/03/1998	Committee referral announced in Parliament		
17/06/1998	Debate in Council	2108	
02/09/1998	Vote in committee		Summary
02/09/1998	Committee report tabled for plenary, 1st reading/single reading	A4-0310/1998	

06/10/1998	Debate in Parliament		
07/10/1998	Decision by Parliament	T4-0555/1998	Summary
09/11/1998	Modified legislative proposal published	COM(1998)0636	Summary
21/12/1998	Council position published	12893/3/1998	Summary
14/01/1999	Committee referral announced in Parliament, 2nd reading		
17/02/1999	Vote in committee, 2nd reading		Summary
17/02/1999	Committee recommendation tabled for plenary, 2nd reading	A4-0061/1999	
09/03/1999	Debate in Parliament		
10/03/1999	Decision by Parliament, 2nd reading	T4-0163/1999	Summary
19/04/1999	Modified legislative proposal published	COM(1999)0168	
29/04/1999	Act adopted by Council after consultation of Parliament		
29/04/1999	End of procedure in Parliament		
01/06/1999	Final act published in Official Journal		

Technical information

Procedure reference	1998/0064(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amended by 2000/0237(COD) Amended by 2005/0240(COD) Repealed by 2016/0172(COD)
Legal basis	EC before Amsterdam E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/10668

Documentation gateway

Legislative proposal	COM(1998)0071 OJ C 108 07.04.1998, p. 0122	18/02/1998	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0310/1998 OJ C 313 12.10.1998, p. 0009	02/09/1998	EP	
Economic and Social Committee: opinion, report	CES1134/1998 OJ C 407 28.12.1998, p. 0106	09/09/1998	ESC	
Text adopted by Parliament, 1st reading/single reading	T4-0555/1998 OJ C 328 26.10.1998, p. 0073-0086	07/10/1998	EP	Summary
Modified legislative proposal	COM(1998)0636 OJ C 384 10.12.1998, p. 0023	09/11/1998	EC	Summary
Council position	12893/3/1998	21/12/1998	CSL	Summary

	OJ C 049 22.02.1999, p. 0015			
Commission communication on Council's position	SEC(1999)0027	12/01/1999	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A4-0061/1999 OJ C 153 01.06.1999, p. 0004	17/02/1999	EP	
Text adopted by Parliament, 2nd reading	T4-0163/1999 OJ C 175 21.06.1999, p. 0098-0108	10/03/1999	EP	Summary
Modified legislative proposal	COM(1999)0168	19/04/1999	EC	

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 1999/35](#)
[OJ L 138 01.06.1999, p. 0001](#) Summary

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

OBJECTIVE: to achieve in practice, through commonly agreed principles, an increased harmonization of the interpretation of international safety requirements; to ensure the effective application of these requirements; to ensure transparency on the conditions required for operating ro-ro ferry and high speed passenger craft on regular services to and from ports of a Member State, for all parties involved, host and flag administrations, as well as companies. SUBSTANCE: the proposal basically seeks to: - list all the conditions related to maritime safety issues which have to be fulfilled by a company to operate its ro-ro ferry or high speed passenger craft on a regular service to or from European ports, as well as, although indirectly, by a flag State, whose flag such ships or craft are flying; - establish a regime for verifying and inspecting compliance with all conditions, including operational conditions, for ro-ro passenger ships and high speed passenger craft operating to or from EC ports, prior to their entry into service and subsequently at regular intervals; - ensure the participation of host States in any investigation of maritime accident involving a ro-ro ferry or high speed passenger craft operating on a regular service to or from an EC port; - avoid unnecessary expanded PSC inspection procedures for ferries and craft which have demonstrated compliance with the conditions of the directive; - facilitate within the Community the putting into operation on a specific regular service of ships and craft confirmed to be in compliance with the requirements of the Directive as well as the transfer of such ships and craft to other regular services with similar operational conditions?

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

Within five years, all Community ro-ro ferries and high speed passenger craft services should be fitted with a voyage data recorder (VDR). This proposal was adopted by the Committee. Mark WATTS (PES, UK) saw his report adopted on the directive on operation conditions in this transport sector. The Committee also asked the Commission to produce an annual safety report. The Commission should set up a data base open for the public on the particulars of ro-ro ferries and high speed passenger craft operating on domestic or international voyages. Mr WATTS emphasized the fact that Parliament should ensure that tragedies like the Estonia and the Herald of Free Enterprise could never happen again. Adoption of this report was an essential contribution to safety at sea.?

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

In adopting the report by Mr Mark WATTS (PSE, UK), the European Parliament wished to specify that the purpose of this Directive was the setting up of a mandatory survey regime by the host States with a view to a uniform level of safety in the operation of regular ro-ro ferry and high speed passenger craft services to or from ports in the Member States of the Community. Parliament considered that ro-ro ferry or high speed passenger craft services from and to the same port should also comply with the requirements of the Directive if the voyage extends beyond the port area. Information on the particulars of ro-ro ferries or high speed craft permitted to operate on domestic or international voyages or any operational limitations should be made publicly available as well as forming the basis for an annual report to be submitted by the Commission.?

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

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The Commission's amended proposal incorporates the European Parliament's amendments in as far as they do not affect coherence with other directives and regulations on maritime security and the objectives cannot be achieved by means of the proposed committee procedure. The Commission accepts the amendments relating to the objective of the directive: the creation of a regime of compulsory surveys by host states with a view to establishing a uniform level of safety in the use of regular roll-on roll-off ferry services and high speed passenger craft destined for or departing from ports of the Member States of the Community. Several additional definitions already used in Directive 98/18/EC (e.g. "port area") have been introduced. The Commission accepts the principle that the burden of proof that a flag state has accepted the company's commitment to comply with the directive as regards those of its ships sailing under a third country flag should not lie with the company. Similarly, the Commission agrees on the inclusion of the idea of requiring those users who fail to comply with the norms, as an additional means of dissuasion, to pay the survey costs. It also proposes drafting a report evaluating the effectiveness of the directive 3 years after the date of its entry into force. The Commission was unable to accept those amendments which: - change the definition of "regular service" and which refer directly to Directive 94/57/EC; - lead to the automatic application of future amendments to Resolution A.746 (18) by the IMO; - rule out any possibility of exemption from compliance with the performance norms for voyage data recorders installed in existing ships, on justified technical grounds, after a period of 5 years; - ensure complete transparency without taking account of reliability and safety, and without providing guarantees against commercial abuse; - impose the provision of information which is not required by international conventions or Community legislation with regard to maritime safety.?

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

The common position incorporates, in part or in full, 10 amendments adopted by the European Parliament at first reading and accepted by the Commission in its amended proposal. The incorporated amendments relate to the following: - the purpose of the directive, which is to create a mandatory survey regime; - the definition of "passenger"; - extending the directive to voyages by sea to and from the same port; - the definition of host state; - the deletion of Article 6 (3) of the proposal in order not to place on the company the burden of proof of compliance by the administration of their flag state with the requirements of the directive; - setting a time limit of not more than one month for carrying out the first survey; - communicating the main findings of the surveys to the flag state; - charging survey costs to the companies; - assessment by the Commission (first report 3 years after the entry into force of the directive and report on progress in the field of maritime passenger transport safety). While following the essential elements of the Commission proposal, the common position seeks to reinforce safety, reduce the costs levelled against maritime companies and administrations and ensure coherence of the directive with other instruments, whether those of the Community or those adopted by the IMO. In particular, the common position makes the following provisions: 1) extensive verifications and surveys of ships both before and after their entry into service: Member States will: - undertake an initial verification of ferries or craft with regard to their certification, classification, voyage data recorder and stability; - verify whether maritime companies are ensuring that the ship is appropriately run, and are fully disposed to cooperate with maritime accident investigations and whether the flag state is cooperating with those companies; - undertake an initial survey of these ships in order to verify whether they comply with the Convention on the Safety of Life at Sea (SOLAS); - during their use, conduct specific regular (annual) surveys of ships. The common position explains the rules to be followed by the administrations carrying out the surveys. Companies will be informed of the results of verifications and surveys. If norms are not complied with, companies will not be allowed to use the offending ships and will be required to rectify deficiencies. 2) Participation of the host state in maritime accident investigations: host states will be permitted to take full part in investigations into accidents affecting regular services to their ports. 3) Technical, organisational and surveillance requirements: Member States should make use of integrated navigational guidance schemes. The Commission will establish a database of ships covered by the directive in order to monitor the development of the safety of those ships which have been surveyed. Companies are required to draw up plans for dealing with onboard emergency situations.?

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

The Commission is of the opinion that the substance of the common position is acceptable, since it respects the basic principles of the original proposal and provides substantial added value by its clarifications and in particular by its additional provisions which enhance the envisaged mandatory survey regime and the accident investigation rights and obligations of Member States. Furthermore, the substance of the amendments adopted by the European Parliament and incorporated in the amended Commission proposal have been duly taken into account by the Council in this common position..?

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

By adopting Mark WATTS' (PES, UK) recommendation on the common position by the Council regarding the directive on conditions for the operation of regular ro-ro ferry and high speed passenger craft services, the Committee demanded that all these vessels be fitted with a voyage data recorder (VDR) within 5 years. The Committee disagreed with the Council and the Commission that the cost of such VDRs was too high. Exemptions in perpetuity were unacceptable as they compromised safety. Neither could the Committee accept the view that information on safety matters should be kept confidential. Dissemination of information on safety was an inseparable part of Community safety policy. Said the rapporteur: "There is a moral obligation to avoid confidentiality because the public is entitled to information. Exposure of the "bad" players to public knowledge is therefore unavoidable". Mr WATTS also asked for regular inspections of the life-saving appliances, including rescue boat equipment to ensure that they were complete and in good order.?

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

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At second reading under cooperation procedure, the European Parliament amended the Council common position on the proposal for a Council directive on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high speed passenger craft services in the following areas: - specifying that exemption from compliance with some of the requirements with regard to voyage data recorders for a period of up to 5 years; - requiring the Commission to make information publicly available on the particulars of ro-ro ferries or high-speed passenger craft permitted to operate on domestic or international voyages or any operational limitations; - extending inspections of lifeboats and rescue boats to cover all life-saving appliances, to ensure that they are complete and in good order. The Parliament's rapporteur is Mark Francis Watts (PSE,UK).?

Maritime safety: roll-on/roll-off (Ro-ro) ferries and high speed passenger craft, conditions for the operation

PURPOSE: to lay down a system of mandatory surveys which will provide a greater assurance of safe operation of regular ro-ro ferries and high-speed passenger craft services to or from ports in the Member States of the Community and to provide for the right of Member States to conduct, participate in or cooperate with any investigation of maritime casualties or incidents on these services. **COMMUNITY MEASURE:** Council Directive 1999/35/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services. **CONTENT:** The Directive provides that: - the Member States to or from whose port a ro-ro ferry or a high speed passenger craft is engaged on a regular service of more than 20 miles (host states) will subject these ferries or craft to an initial survey prior to their entry into operation and to annual surveys (one extensive survey and one in-service survey) thereafter. The surveys will mainly check compliance with the Convention on Safety of Life at Sea (SOLAS); - the host states will have the right to fully participate in enquiries into accidents affecting regular services serving their ports; - voyage data recorders (VDRs) will be fitted on all ships covered by the Directive. In adding the controls by the host state to the controls already exercised by the flag state and the port state, the Directive will introduce a new element of accident prevention which responds to demands for more safety on board ferries following the accident of the Estonia. In doing so, the Directive will harmonise the conditions of competition. The right of the host state to participate in accident investigations will end the present undesirable situation where flag states have the monopoly of investigations on maritime accidents. **ENTRY INTO FORCE:** 01/06/1999 **DEADLINE FOR TRANSPOSITION INTO NATIONAL LAW:** 01/12/2000.?