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Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2016/0170(COD) Procedure completed
Safety rules and standards for passenger ships: simplification; Commission delegated and implementing powers Amending Directive 2009/45/EC <a href="#">2007/0257(COD)</a>	
Subject 3.20.03 Maritime transport: passengers and freight 3.20.03.01 Maritime safety	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>TRAN</b> Transport and Tourism		15/06/2016
		 <a href="#">AIUTO Daniela</a>	
		Shadow rapporteur	
		 <a href="#">POGLIESE Salvatore Domenico</a>	
		 <a href="#">AYALA SENDER Inés</a>	
		 <a href="#">FOSTER Jacqueline</a>	
		 <a href="#">BILBAO BARANDICA Izaskun</a>	
		 <a href="#">TAYLOR Keith</a>	
		 <a href="#">ARNAUTU Marie-Christine</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.		
<b>JURI</b> Legal Affairs			11/07/2016
		 <a href="#">BERGERON Joëlle</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Employment, Social Policy, Health and Consumer Affairs3569</a>		23/10/2017

European Commission	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">3505</a>	01/12/2016
	Commission DG <a href="#">Mobility and Transport</a>	Commissioner BULC Violeta	
European Economic and Social Committee European Committee of the Regions			

Key events			
06/06/2016	Legislative proposal published	<a href="#">COM(2016)0369</a>	Summary
09/06/2016	Committee referral announced in Parliament, 1st reading		
01/12/2016	Debate in Council	<a href="#">3505</a>	
11/04/2017	Vote in committee, 1st reading		
11/04/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
21/04/2017	Committee report tabled for plenary, 1st reading	<a href="#">A8-0167/2017</a>	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)		
10/07/2017	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE609.506</a> GEDA/A(2017)007854	
03/10/2017	Debate in Parliament		
04/10/2017	Results of vote in Parliament		
04/10/2017	Decision by Parliament, 1st reading	<a href="#">T8-0373/2017</a>	Summary
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	2016/0170(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2009/45/EC <a href="#">2007/0257(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2

Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/06750

Documentation gateway					
Legislative proposal		<a href="#">COM(2016)0369</a>	06/06/2016	EC	Summary
Document attached to the procedure		SWD(2016)0189	06/06/2016	EC	
Document attached to the procedure		SWD(2016)0190	06/06/2016	EC	
Economic and Social Committee: opinion, report		<a href="#">CES4285/2016</a>	19/10/2016	ESC	
Committee opinion	JURI	<a href="#">PE594.004</a>	18/01/2017	EP	
Committee draft report		<a href="#">PE594.091</a>	07/02/2017	EP	
Amendments tabled in committee		<a href="#">PE601.014</a>	14/03/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0167/2017</a>	21/04/2017	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2017)007854	21/06/2017	CSL	
Text agreed during interinstitutional negotiations		<a href="#">PE609.506</a>	21/06/2017	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0373/2017</a>	04/10/2017	EP	Summary
Draft final act		<a href="#">00034/2017/LEX</a>	15/11/2017	CSL	
Commission response to text adopted in plenary		<a href="#">SP(2017)766</a>	06/12/2017	EC	

Final act
<a href="#">Directive 2017/2108</a> <a href="#">OJ L 315 30.11.2017, p. 0040</a> Summary Final legislative act with provisions for delegated acts

## Safety rules and standards for passenger ships: simplification; Commission delegated and implementing powers

PURPOSE: to simplify and streamline the existing EU passenger ship safety regulatory framework (safety standards).

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 : [Directive 2009/45/EC](#) of the European Parliament and of the Council aims to attain a high level of safety and to remove barriers to trade, by setting harmonised safety standards at an appropriate level for passenger ships and craft operating domestic services.

This Directive has brought about a common high safety level across the EU and important internal market benefits.

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 fitness check revealed that:

- the Directive currently applies only to 70 out of 1950 small ships, the key safety aspects of which have been already defined by Member States;
- several Member States certify aluminium ships under this Directive while few others do not. This creates an uneven situation resulting from a different interpretation of the Directive's scope related to the definition of an 'equivalent material' and the applicability of the corresponding fire safety standards.

The proposal is fully consistent with the simplification proposals [amending Council Directive 98/41/EC](#) and the [proposal replacing Council Directive 1999/35/EC](#)

**CONTENT:** the Commission proposes to clarify and simplify the safety rules and standards for passenger ships so that they are easier to update, monitor and enforce.

The main amendments proposed are as follows:

- to eliminate a number of redundant, inconsistent or incorrect references, in particular related to the Intact Stability Code, High Speed Craft Code, bow height definition, port area (aligned with the definition of a sea area), place of refuge (removed), port State (replacing host State in line with the review of Directive 1999/35/EC), and recognised organisation;
- to provide for new definitions of traditional ship, sailing ship, pleasure yacht and craft, tender, and equivalent material. In particular, the definition of traditional ship should be better aligned with [Directive 2002/59/EC](#) of the European Parliament and of the Council<sup>18</sup>, while preserving the current criteria of the year of built and type of material. The definition of pleasure yacht and craft should be further aligned with the International Convention for the Safety of Life at Sea (SOLAS Convention);
- to clarify the definition of equivalent material to avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards. Ships built from such materials have to be certified according to this Directive;
- to exclude ships below 24 metres from the scope of the Directive, and to clarify that the Directive does not apply to sailing ships, tenders and ships referred to in the SPS code (including offshore supply vessels);
- to simplify the definitions of sea areas C and D (references to the criteria of 'where the shipwrecked persons can land' and 'distance to place of refuge' removed), and to clarify that the sea areas is established by Member States in such a manner that the inner border of sea area D is clearly delimited;
- to update the reference to the host State (replaced by port State), to clarify that the conversion requirement is meant to apply to all ships (when converted in a passenger ships), not only to existing passenger ones and to insert a new date of application for ships built in equivalent material before the entry into force of the Directive;
- to increase transparency and to facilitate the notification of exemptions, equivalencies and additional safety measures by Member States, by providing for the establishment of a database by the Commission. It should include the notified measures in their draft and adopted form;
- to clarify that only ships fulfilling the requirements of this Directive are provided with a Passenger ship Safety Certificate;
- to align Directive 2009/45/EC with the provisions of the Treaty on the Functioning of the EU with regard to the power to adopt delegated and implementing acts conferred on 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.

## Safety rules and standards for passenger ships: simplification; Commission delegated and implementing powers

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The Committee on Transport and Tourism adopted the report by Daniela AIUTO (EFDD, IT) on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/45/EC on safety rules and standards for passenger ships.

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

**Ship-carried tenders:** these are used to ferry passengers from passenger ships (primarily cruise ships) directly to shore and back, undertaking the shortest sea route. Members considered that they are not appropriate, and should not be used, for other types of services such as coastal sightseeing excursions. Such excursions should be undertaken by ships that meet the requirements for passenger ships of the coastal State.

The Commission should assess the need for common European requirements, including mandatory provisions, for ship carried tenders and should issue specific guidelines before 2020, in order to inter alia facilitate the harmonisation of rules and standards between Member States.

**Sailing ships:** in order to maintain harmonised safety levels for sailing ships in Europe, Members suggested that the Commission assess and issue common requirements for this category, publishing specific guidelines by 2020.

**Off-shore service ships:** according to Members, Member States should actively support the International Maritime Organisations (IMO) work as regards the definition of adequate safety standards for offshore vessels.

These vessels which carry workers require different and specific rules on safety.

**Smaller ships below 24 metres:** in determining the specific standards for smaller ships, Member States should act in accordance with guidelines to be published by the Commission. In doing so, they should take into consideration other international agreements and conventions by the IMO, and should avoid introducing additional requirements that go beyond existing international rules.

**Aluminium:** Members considered that aluminium should be regarded as an equivalent material to steel in all Member States. Given that the national rules in place for aluminium ships ensure a high level of safety for passengers sailing domestically, Member States should be allowed to keep their current stricter fire prevention methods.

The amended text provides that a Member State that has more than 60 passenger ships made from aluminium alloy flying its flag may exempt, until 8 years after the transposition date, passenger ships of Classes B, C and D which are made from aluminium alloy from the provisions of this Directive, provided there is no reduction in the level of safety.

Transparency: any exemption, equivalency or additional safety measure taken by the Member States should be published on a publically accessible website. The general modalities of access to and use of the respective database should be specified in due time by the Commission, through an appropriate delegated act.

Safety standards and ship crew: in order to maintain a high level of safety throughout a passenger ships voyage, Members suggested that account be taken of not only the vessels physical structure and equipment but also the link between safety, shipboard living, working conditions and training of the crew. The Directive should spell out that the EU needs to take a proactive approach in this role, including in the international framework, in order to monitor and improve the social dimension of workers on the ships.

Greece: Greece should be allowed to derogate from the requirement of establishing sea areas. In particular, it should be allowed to classify passenger ships according to the specific sea route that they operate, while maintaining the same criteria for classes of passenger ships and the same safety standards.

## Safety rules and standards for passenger ships: simplification; Commission delegated and implementing powers

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The European Parliament adopted by 659 votes to 12, with 17 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/45/EC on safety rules and standards for passenger ships.

Improving the application of Directive 2009/45/EC should aim at maintaining a high level of safety, and hence of passenger confidence, through common safety standards.

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

Scope: the amended text specifies that Member States which do not have seaports and which have no passenger ships or craft flying their flag that fall within the scope of this Directive may derogate from the provisions of this Directive.

As long as these conditions are met, those Member States would not be obliged to transpose this Directive.

Those Member States which intend to avail themselves of such derogation shall communicate to the Commission if the conditions are met and shall inform the Commission annually thereafter of any subsequent change.

Categorisation of sea areas and classes of passenger ships: the sea areas shall be divided into different categories, namely areas A, B, C and D, the characteristics of which are specified in the Directive.

Each Member State shall: (i) establish, and update when necessary, a list of the sea areas within its jurisdiction; (ii) determine the inner border of the sea area closest to the line of its coast; (iii) publish the list in a public database available on the Internet site of the competent maritime authority; (iv) notify to the Commission when modifications are made to the list.

Passenger ships shall be divided into different classes (A, B, C and D) depending on the sea area in which they may operate.

Aluminium ships: an amendment provides that a Member State which has, on the date of entry into force of the Directive, more than 60 passenger ships built in aluminium alloy flying its flag may, up to 12 years after the date of transposition, exempt from the provisions of the Directive Class B, C and D passenger ships built in aluminium, provided that the level of safety is not compromised.

Passenger ships below 24 meters in length: these vessels shall be excluded from the scope of that Directive and should be subject to specific safety standards determined by Member States. When defining these standards, Member States shall comply with the guidelines to be published by the Commission. Those guidelines should take into consideration any international agreements and conventions by the IMO, as appropriate, and should avoid introducing additional requirements that go beyond existing international rules.

Ship-carried tenders are used to ferry passengers from passenger ships directly to shore and back, taking the shortest safe sea route. They are not appropriate, and shall not be used, for other types of services such as coastal sightseeing excursions. Such excursions shall be undertaken by ships that meet the requirements for passenger ships of the coastal State. Member States and the Commission shall promote discussion at the IMO with a view to reviewing the guidelines in order to increase safety. The Commission shall assess the need to make the guidelines mandatory.

Sailing ships: in order to maintain a harmonised level of safety for sailing ships in Europe, Parliament suggested that the Commission should assess and define the common requirements for this category of passenger ship by 2020.

Offshore installations served by vessels: Member States are called on to actively support the work of the International Maritime Organisation (IMO) in defining appropriate safety standards for offshore vessels. These ships carry workers who require different and specific safety rules.

Safety standards and ship crew: in order to maintain a high level of safety throughout a passenger ships voyage, the amended text stressed for account to be taken of the link between safety, shipboard living, working conditions and training, including training related to cross-border rescue and emergency operations in line with international requirements. The social dimension for seafarers on board ship should be improved.

Greece: Greece shall be allowed to derogate from the requirement of establishing sea areas. In particular, it shall be allowed to classify passenger ships according to the specific sea route that they operate, while maintaining the same criteria for classes of passenger ships and the same safety standards.

## Safety rules and standards for passenger ships: simplification; Commission delegated and

# implementing powers

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**PURPOSE:** to simplify and streamline the existing EU passenger ship safety regulatory framework (safety standards).

**LEGISLATIVE ACT:** Directive (EU) 2017/2108 of the European Parliament and of the Council amending Directive 2009/45/EC on safety rules and standards for passenger ships.

**CONTENT:** [Directive 2009/45/EC](#) lays down safety rules and standards for new or existing passenger ships constructed of steel or other equivalent material and high-speed craft engaged in domestic voyages in the Member States of the European Union. It sets out in detail the technical requirements with which ships must comply, including construction, stability and fire protection.

In the light of the quality assessment of the current legislation on passenger safety carried out by the Commission, this Directive amends Directive 2009/45/EC with a view to clarifying and simplifying the safety rules and standards for passenger ships to make it easier to update, monitor and enforce them.

**Scope:** the Directive contains new definitions of traditional boat, sailboat, pleasure boat and recreational craft or tenders. It provides in particular:

- the exclusion of all existing and new passenger vessels of less than 24 metres in length that will remain subject to nationally defined safety standards;
- the exclusion of offshore maintenance vessels carrying workers to and from offshore installations and ship-carried tenders, which are vessels carried by other vessels and used to transfer more than 12 passengers from a passenger ship, such as a cruise ship, to the shore and back;
- the exclusion of pleasure craft and traditional boats and sailboats if they are equipped with an accessory mechanical propulsion. The Commission has to assess the need to establish common European requirements for this category of passenger ships by 2020.

Member States which do not have seaports and do not have ships flying their flag which fall within the scope of the Directive will be allowed to derogate from the provisions of the Directive. As long as these conditions are satisfied, these Member States will not be required to transpose the Directive.

**Categories of maritime zones and classes of passenger ships:** the maritime zones will be divided into different categories, namely zones A, B, C and D. The Directive simplifies the definitions of maritime zones C and D (by deleting references to the "where the shipwrecked person can land" and "distance to place of refuge" criteria). Passenger ships will be divided into different classes (A, B, C and D) depending on the sea area in which they can operate.

**Aluminum ships:** ships built in aluminum before 20 December 2017 must comply with the requirements of the directive no later than 22 December 2025.

A Member State which has more than 60 aluminum-alloy passenger vessels flying its flag as of 20 December 2017 may, until 12 years after that date, exempt from the provisions of the Directive passenger vessels of classes B, C and D made of aluminum, provided that their safety levels are not compromised.

**Transparency:** in order to increase transparency and to facilitate Member States' notification of exemptions, equivalences and additional security measures, the Commission will have to create and maintain a database. This should include notified measures, in draft form and adopted. The measures adopted should be accessible to the public.

**Safety standards and crews:** in order to maintain a high level of safety throughout the journey of a passenger ship, the Directive stresses the need to take into account the link between safety, living and working conditions on board and training, including training related to cross-border rescue and emergency operations, in accordance with international requirements. It calls on the Member States and the Commission to take a proactive stance at international level in order to monitor and strengthen the social dimension for the benefit of seamen on board ships.

All new or existing passenger ships meeting the requirements of the Directive must carry a Passenger Ship Safety Certificate in accordance with the Directive.

**ENTRY INTO FORCE:** 20.12.2017.

**TRANSPOSITION:** no later than 21.12.2019. The provisions of the Directive apply from the same date.

**DELEGATED ACTS:** the Commission may adopt delegated acts as regards the non-application, for the purposes of this Directive, of amendments to international instruments and for the updating of technical requirements, if necessary. 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 have the right to oppose a delegated act within a period of two months (extendable two months) from the notification of the act.