

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2016/0171(COD) Procedure completed
Registration of persons sailing on board passenger ships operating to or from ports of the Member States: simplification	
Amending Directive 98/41/EC 1996/0281(SYN) Amending Directive 2010/65/EU 2009/0005(COD)	
Subject 3.20.03 Maritime transport: passengers and freight	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	TRAN Transport and Tourism		01/08/2016	
		ALDE BILBAO BARANDICA Izaskun		
		Shadow rapporteur		
		PPE MONTEIRO DE AGUIAR Cláudia		
		S&D UJHELYI István		
		ECR TOMAŠIĆ Ruža		
		GUE/NGL KYLÖNEN Merja		
		Verts/ALE TAYLOR Keith		
		EFDD D'AMATO Rosa		
	ENF ARNAUTU Marie-Christine			
	Committee for opinion	Rapporteur for opinion	Appointed	
	LIBE Civil Liberties, Justice and Home Affairs		14/11/2016	
		ECR STEVENS Helga		
Council of the European Union	Council configuration	Meeting	Date	
	Employment, Social Policy, Health and Consumer Affairs	3569	23/10/2017	
	Transport, Telecommunications and Energy	3505	01/12/2016	
European Commission	Commission DG	Commissioner		
	Mobility and Transport	BULC Violeta		

Key events			
06/06/2016	Legislative proposal published	COM(2016)0370	Summary
09/06/2016	Committee referral announced in Parliament, 1st reading/single reading		
01/12/2016	Debate in Council	3505	
11/04/2017	Vote in committee, 1st reading/single 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/single reading	A8-0168/2017	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)		
11/07/2017	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE610.810 GEDA/A/(2017)008683	
03/10/2017	Debate in Parliament		
04/10/2017	Results of vote in Parliament		
04/10/2017	Decision by Parliament, 1st reading/single reading	T8-0374/2017	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	2016/0171(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 98/41/EC 1996/0281(SYN) Amending Directive 2010/65/EU 2009/0005(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/06753

Documentation gateway

Legislative proposal	COM(2016)0370	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	CES4290/2016	19/10/2016	ESC	
Committee draft report	PE597.720	03/02/2017	EP	
	LIBE			

Committee opinion		PE600.925	28/02/2017	EP	
Amendments tabled in committee		PE600.951	10/03/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0168/2017	21/04/2017	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2017)008683	21/06/2017	CSL	
Text adopted by Parliament, 1st reading/single reading		T8-0374/2017	04/10/2017	EP	Summary
Draft final act		00035/2017/LEX	15/11/2017	CSL	
Commission response to text adopted in plenary		SP(2017)766	06/12/2017	EC	

Additional information

Research document

[Briefing](#)

Final act

[Directive 2017/2109](#)

[OJ L 315 30.11.2017, p. 0052](#) Summary

Final legislative act with provisions for delegated acts

2016/0171(COD) - 06/06/2016 Legislative proposal

PURPOSE: to simplify and streamline the existing EU passenger ship safety regulatory framework (registration of persons sailing on board).

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: [Council Directive 98/41/EC](#) the first piece of EU legislation dealing with information on persons on board - provides for counting and registration of passengers and crew on board of passenger ships operating to and from the EU ports. It aims to ensure that the safety of passengers is not compromised by exceeding the maximum authorised number of persons on board and that search and rescue in the aftermath of any accident can be dealt with effectively.

Since 1998, however, other pieces of EU law and international conventions dealing with related issues have entered into force and new technological systems and solutions have been developed. This has resulted in increasingly complex and overlapping legal provisions dealing with the counting, registration and reporting of persons on board.

Experience of implementation has shown that the information on persons on board is not always readily available to the competent authorities. According to the current requirements, this information has to be stored in the company's system and be at all times readily available for transmission to the competent authority responsible for search and rescue. This requirement ignores the development of systems such as SafeSeaNet and the National Single Window and requires that the national competent authority contacts the shipping company in the event of an emergency. Moreover, the recorded data does not always include information on nationality (i.e. besides name, age and sex), making the assistance provided to victims and their relatives more difficult. As a result, operators that already transmit such data to the [National Single Window](#) are subjected to a double reporting regime.

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 proposal is fully consistent with the simplification proposals amending Directive [2009/45/EC of the European Parliament and of the Council](#) and the [new Directive replacing Council Directive 1999/35/EC](#).

CONTENT: the Commission proposes to amend Directive 98/41/EC in order to update, clarify and simplify the existing requirements for counting and registration of passengers and crew on board passenger ships while enhancing the level of safety that they provide.

The main amendments are as follows:

- to align as far as possible the definitions with the proposal amending Directive 2009/45/EC and with the proposal for a new Directive replacing 1999/35/EC and to align the responsibility of the passenger registrar with the proposal to remove the requirement for the information required by this Directive to be retained by the company ;
- to clarify the scope of the Directive and to bring it in line with the definition of port areas as defined in accordance with the proposal

- amending Directive 2009/45/EC;
- to replace the requirement to store the information on the number of persons on board in the company by recording it in the National Single Window or transmission by means of Automatic Identification System;
- to introduce the information on nationality of persons on board and to replace the requirement to store the lists of passengers and crew by the company by recording it in the National Single Window;
- to align the reference with the proposed means of data transmission and to clarify the responsibilities of Member States with respect to passenger ships flying the flag of a third country;
- to reflect the new role of the passenger registrar (i.e. not to store but to transmit the data) and to remove the requirement to set up a company passenger registration system;
- to reflect EU law on protection of personal data and specifies that personal data shall be destroyed by the company once transmitted to the single window (without prejudice to other reporting obligations);
- to remove the outdated reference to the exemption for regular services crossing the Strait of Messina, and to remove the possibility to exempt operators from transmitting the number of persons on board to the competent authorities;
- to ensure that the exemption criteria reflect the proximity of search and rescue facilities which are no longer included in the new definition of protected sea areas;
- to simplify the notification of exemptions via a database to be established and maintained for this purpose;
- to align Directive 98/41/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.

2016/0171(COD) - 21/04/2017 Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Izaskun BILBAO BARANDICA (ADLE, ES) on the proposal for a directive of the European Parliament and of the Council amending Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community and amending Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States.

As a reminder, the proposal to amend Directive 98/41/EC introduces a requirement for the digital registration and notification of passenger data by means of harmonised administrative procedures (the National Single Window) established under Directive 2010/65/EU in order to facilitate emergency search and rescue operations.

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

Digital notification of the number of passengers on board: Members supported the digital notification that the Commission suggests should be made via the National Single Window where the journey concerned exceeds 20 miles. However, a certain amount of flexibility needs to be provided for operators of shorter routes. In this respect, Members proposed that until two years after the entry into force of this Amending Directive, the number of persons on board may be made available to the designated authority by means of another electronic system, provided that that system is approved by the Member State.

Information recorded by every passenger ship: in order to properly identify people on a large passenger ship, the following information shall also be recorded:

- date of birth;
- a contact number in case of an emergency, when the passenger so requests;
- information concerning special care or assistance that might be needed in an emergency.

That information shall be collected before departure and recorded in the single window upon the passenger ships departure but in no case later than 10 minutes after its departure (and not 30 minutes as proposed by the Commission).

Once the registration procedures have been completed, passengers should always be supplied with information on safety measures on the vessels and on action to be taken in the event of an emergency.

Exemption: Member States from whose ports ships depart may exempt passenger ships operating, exclusively in protected sea areas, regular services of less than one hour between port calls.

Data protection: personal data collected to facilitate search and rescue operations and the efficient handling of the aftermath of an accident should not be further processed or used for any other purpose and should not be retained longer than necessary and shall be without prejudice to other specific reporting obligations under Union or national law. Personal data should therefore be destroyed automatically and without undue delay once a ship's voyage has been safely completed or, as applicable, when an investigation or a judicial proceeding taking place during the aftermath of an accident or emergency has been concluded.

Each company shall implement appropriate technical and organisational measures to protect personal data processed against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure of, or access to personal data stored, transmitted or otherwise processed.

Delegated acts: Members proposed that the power to adopt delegated acts shall be conferred on the Commission for a period of five years, which may be extended, from the date of entry into force of the Directive.

Evaluation: the Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council no later than two years (instead of seven) after the date referred to in the second subparagraph of Article 3(1).

2016/0171(COD) - 04/10/2017 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 655 votes to 12 with 26 abstentions a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community and amending Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States.

The proposal to amend Directive 98/41/EC introduces a requirement for the digital registration and notification of passenger data by means of harmonised administrative procedures (the National Single Window) established under Directive 2010/65/EU in order to facilitate emergency search and rescue operations.

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

Notification of the number of passengers on board: before the passenger ship departs, the number of persons on board shall be communicated to the master of the ship, and reported by appropriate technical means in the single window, or, if the Member State so chooses, communicated to the designated authority by means of the Automatic Identification System.

For a transitional period of six years from the date of entry into force of the amending Directive, Member States could allow this information to be communicated to the company's passenger of the company installed ashore and having the same function.

Information recorded by passenger ships: in order to correctly identify persons on passenger ships travelling more than 20 miles from the point of departure to the next port, this information shall also include:

- date of birth;
- an emergency contact number if the Member State so decides and the passenger so requests;
- at the request of the passenger, information on any special care or assistance that may be needed in an emergency.

The information listed above shall be collected before the passenger ship's departure and reported in the single window upon the passenger ship's departure but in no case later than 15 minutes after its departure.

Data protection: personal data should therefore be destroyed automatically and without undue delay once a ship's voyage has been safely completed or, as applicable, when an investigation or a judicial proceeding taking place during the aftermath of an accident or emergency has been concluded.

Exemption: Member States may exempt passenger ships operating exclusively in a protected sea area where they provide scheduled services of one less than one hour between port calls and provided that search and rescue facilities are ensured in the vicinity.

This Directive shall not apply to pleasure craft.

In addition, landlocked Member States which do not have seaports and do not have passenger ships flying their flag that fall within the scope of the Directive shall be allowed to derogate from the provisions of the Directive.

2016/0171(COD) - 15/11/2017 Final act

PURPOSE: to update, clarify and simplify the current counting and registration requirements for passengers and crew on board passenger vessels while also improving safety aspects.

LEGISLATIVE ACT: Directive (EU) 2017/2109 of the European Parliament and of the Council amending Council Directive 98/41/EC on the registration of persons travelling on board passenger ships operating to or from ports of entry Member States of the Community and Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for vessels arriving in and/or leaving from ports of the Member States.

CONTENT: this Directive which amends [Directive 98/41/EC](#) introduces a requirement for the registration and digital notification of passenger data using harmonised administrative procedures (the national single window introduced by [Directive 2010/65/EU](#)) in order to facilitate search and rescue operations in the event of an emergency.

The amended directive applies to passenger ships, with the exception of war ships, pleasure craft and vessels operating exclusively in ports or inland waterways. Its main features are:

Digital notification of the number of passengers on board: the new rules aim at digitizing the registration of the passengers of ships, the objective being the immediate availability of the exact number of passengers and other information for the use of the search and rescue services in the event of an accident.

Under the new requirements, data will be sent to the competent authority in electronic format within 15 minutes of the vessels departure. Two means of transmission may be used, under certain conditions: the national single window or the automatic identification system.

For a transitional period of six years from 20 December 2017, Member States may allow the information to be communicated to the company's passenger registrar or to the shore-based company system that performs the same function.

Information recorded by passenger ships: to facilitate assistance to victims and their families, the recorded data will include:

- the names of the persons on board, their first names, sex, nationality, date of birth,
- at the request of the passenger, information on the specific needs for care or assistance in emergency situations,
- if the Member State so decides and at the request of the passenger, an emergency number.

Data protection: personal data gathered must be systematically processed in accordance with EU law on data protection and privacy and must not be processed or used for any purpose other than that provided for in the Directive. They must be erased automatically and without undue delay after the vessels voyage has been safely completed or, where appropriate, when the investigation or legal proceedings following an accident has been completed.

Exemption: Member States may exempt from the obligation to report the number of persons on board and the communication of the list,

passenger ships which operate exclusively in a protected maritime area where they provide regular services of less than one hour between port calls, and provided that the proximity of search and rescue facilities is ensured in that sea area.

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, 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 by two months) from the date of the notification of the act.