

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

2016/0170(COD) - 15/11/2017 - Final act

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.