

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

1998/0064(SYN) - 09/11/1998 - Modified legislative proposal

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.?