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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	23 July 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on specific stability requirements for ro-ro passenger ships (codification)
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Delegations will find herewith attached the Commission codification proposal referred to in the subject (COM(2026) 386 final and annexes 1 to 5).

Encl.: COM(2026) 386 final



EUROPEAN
COMMISSION

Brussels, 23.7.2026
COM(2026) 386 final

2026/0215 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on specific stability requirements for ro-ro passenger ships (codification)

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason, a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided¹ to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal adaptations as are required by the codification exercise itself.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Directive 2003/25/EC and the instruments amending it, carried out by the Publications Office of the European Union, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table set out in Annex V to the codified Directive.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Entered in the legislative programme for 2026.

⁴ See Part A of Annex IV to this proposal.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on specific stability requirements for ro-ro passenger ships (codification)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty ☒ on the Functioning of the European Union ☒ , and in particular Article ☒ 100(2) ☒ thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁵,

Having regard to the opinion of the Committee of the Regions⁶,

Acting in accordance with the ordinary legislative procedure,

Whereas:

↓

- (1) Directive 2003/25/EC of the European Parliament and of the Council⁷ has been substantially amended several times⁸. In the interests of clarity and rationality, that Directive should be codified.

↓ 2003/25/EC recital 1 (adapted)

- (2) Within the framework of the common transport policy, measures should be taken to ☒ ensure the necessary level of ☒ safety in maritime transport of passengers.

↓ 2003/25/EC recital 2 (adapted)

- (3) The ☒ Union ☒ wishes to avoid by all appropriate means shipping accidents involving ro-ro passenger ships and resulting in loss of life.

⁵ OJ C [...].

⁶ OJ C [...].

⁷ Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships (OJ L 123, 17.5.2003, p. 22, ELI: <http://data.europa.eu/eli/dir/2003/25/oj>).

⁸ See Part A of Annex IV.

↓ 2003/25/EC recital 4 (adapted)

- (4) Persons using ro-ro passenger ships and crew employed on board such vessels throughout the ☒ Union ☒ should have the right to demand the same high level of safety regardless of the area in which ships operate.
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↓ 2003/25/EC recital 5 (adapted)

- (5) In view of the internal market dimension of maritime transport of passengers, action at ☒ Union ☒ level is the most effective way of ☒ providing for ☒ a common minimum level of safety for ships throughout the ☒ Union ☒.
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↓ 2003/25/EC recital 6 (adapted)

- (6) Action at ☒ Union ☒ level is the best way to ensure the harmonised enforcement of principles agreed on within the International Maritime Organization (IMO), thus avoiding distortions of competition between the operators of ro-ro passenger ships operating in the ☒ Union ☒.
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↓ 2003/25/EC recital 3

- (7) The survivability of ro-ro passenger ships following collision damage, as determined by their damage stability standard, is an essential factor for the safety of passengers and crew and is particularly relevant for search and rescue operations; the most dangerous problem for the stability of a ro-ro passenger ship with an enclosed ro-ro deck, following collision damage, is the one posed by the effect of a build up of significant amounts of water on that deck.
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↓ 2003/25/EC recital 7 (adapted)

- (8) General stability requirements for ro-ro passenger ships in damaged condition were established at international level by the 1990 ☒ Conference of Contracting Governments to the International Convention for the ☒ Safety of Life at Sea ☒, 1974 ☒ (SOLAS ☒ Convention ☒) and were included in Regulation II-1/B/8 of the SOLAS Convention (SOLAS 90 standard). ☒ Those ☒ requirements are applicable in the entire ☒ Union ☒ owing to the direct application to international voyages of the SOLAS Convention and the application to domestic voyages of ⁹ Directive 2009/45/EC of the European Parliament and of the Council¹⁰.
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↓ 2003/25/EC recital 8 (adapted)

- (9) The ☒ damage stability requirements contained in the ☒ SOLAS 90 standard implicitly include the effect of water entering the ro-ro deck in a sea state of the order of 1,5 m significant wave height.

⁹

¹⁰ Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1, ELI: <http://data.europa.eu/eli/dir/2009/45/oj>).

↓ 2023/946 recital 3 (adapted)

- (10) Resolution 14 ☒ on ‘Regional agreements on specific stability requirements for ro-ro passenger ships’, adopted by the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, on 29 November 1995, ☒ allows IMO members to conclude regional agreements if they consider that prevailing sea conditions and other local conditions require specific stability requirements in a designated area.
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↓ 2003/25/EC recital 10

- (11) Eight northern European countries, including seven Member States, agreed in Stockholm on 28 February 1996 to introduce a higher stability standard for ro-ro passenger ships in damaged condition in order to take into account the effect of water accumulation on the ro-ro deck and to enable the ship to survive in more severe states than the SOLAS 90 standard, up to 4 m significant wave heights.
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↓ 2003/25/EC recital 11 (adapted)

- (12) Under ☒ that ☒ agreement, known as the Stockholm Agreement, the specific stability standard is directly related to the sea area in which the vessel operates and more particularly to the significant wave height recorded in the area of operation. The significant wave height of the area ☒ in which ☒ the ship operates determines the height of water on the car deck that would arise following the occurrence of accidental damage.
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↓ 2023/946 recital 1 (adapted)

- (13) Directive 2003/25/EC ¹¹ ☒ established ☒ a uniform level of specific stability requirements for ro-ro passenger ships improving the survivability of this type of vessel in the case of collision damage and providing a high level of safety for the passengers and the crew in conjunction with the requirements ☒ laid down ☒ in the SOLAS Convention in force at the date of adoption of that Directive .
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↓ 2003/25/EC recital 20 (adapted)

- (14) ☒ Certain ☒ specific stability requirements ☒ laid down in ☒ this Directive should be based on a method, as set out in the Annexes to the Stockholm Agreement, which calculates the height of water on the ro-ro deck following damage in relation to two basic parameters: the ship's residual freeboard and the significant wave height in the sea area ☒ in which ☒ the ship operates.
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↓ 2023/946 recital 2 (adapted)

- (15) On 15 June 2017, IMO adopted Resolution MSC.421(98) amending the SOLAS Convention and ☒ laying down ☒ revised stability requirements for passenger ships in damaged condition. Those requirements also apply to ro-ro passenger ships.

¹¹

↓ 2023/946 recital 5 (adapted)

- (16) Requirements laid down in Directive 2009/45/EC¹² are applicable to ro-ro passenger ships. The application of the stability requirements of the SOLAS Convention as amended by Resolution MSC.421(98) (SOLAS 2020) should result in a significant reduction in risk for ro-ro passenger ships certified to carry more than 1 350 persons on board.

↓ 2023/946 recital 7

- (17) For ro-ro passenger ships certified to carry 1 350 or fewer persons on board, the optional application of the SOLAS 2020 requirements should be conditional on a higher level of R-index than the one defined in SOLAS 2020, in order to achieve the appropriate level of safety.

↓ 2023/946 recital 6 (adapted)

- (18) A higher level of R-index as laid down in this Directive for ro-ro passenger ships certified to carry 1 350 or fewer persons on board would be difficult to implement in respect of certain ship designs. Therefore, companies owning or operating those ships in a regular service in the Union should have the option to apply the stability requirements applicable before the entry into force of Directive (EU) 2023/946 of the European Parliament and of the Council¹³.
- (19) The Commission should assess, 10 years after the date of entry into force of Directive (EU) 2023/946, the use made of the option relating to ships certified to carry 1 350 or fewer persons on board in order to decide whether a revision of this Directive is necessary. Member States should notify the use of that option to the Commission together with the data related to the ships concerned.

↓ 2023/946 recital 8 (adapted)

- (20) In order to ensure the necessary level of safety, specific damage stability requirements should apply also to existing ro-ro passenger ships that have never been certified in accordance with Directive 2003/25/EC and that are entering into regular service in the Union.

↓ 2003/25/EC recital 17 (adapted)

- (21) In the interests of improving safety and avoiding distortion of competition, the common safety standards regarding stability should apply to all ro-ro passenger ships providing regular services to or from a port in the Member States on international voyages, regardless of the flag that they fly.

¹²

¹³ Directive (EU) 2023/946 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/25/EC as regards the inclusion of improved stability requirements and the alignment of that Directive with the stability requirements defined by the International Maritime Organization (OJ L 128, 15.5.2023, p. 1, ELI: <http://data.europa.eu/eli/dir/2023/946/oj>).

↓ 2003/25/EC recital 18

- (22) The safety of ships is primarily the responsibility of flag States and therefore each Member State should ensure compliance with the safety requirements applicable to the ro-ro passenger ships flying the flag of that Member State.
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↓ 2003/25/EC recital 19 (adapted)

- (23) Member States should also be addressed in their capacity as ☒ Port ☒ States. The responsibilities exercised in that capacity are based on specific Port State responsibilities that are fully in line with the 1982 United Nations Convention on the Law of the Sea .
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↓ 2003/25/EC recital 21 (adapted)

- (24) Member States should determine and ☒ publish ☒ the significant wave heights in the sea areas crossed by ro-ro passenger ships on regular service to or from their ports. For international routes, the significant wave heights should, wherever applicable and possible, be established ☒ by ☒ agreement between the States at both ends of the route.
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↓ 2023/946 recital 9

- (25) Port States should cooperate to the fullest extent possible in order to establish the list of sea areas referred to in this Directive, taking into account the sovereignty of States over sea areas under their jurisdiction and the general principles of the law of the sea.
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↓ 2023/946 recital 10 (adapted)

- (26) The European Maritime Safety Agency has been assisting the Commission in the effective implementation of Directive 2003/25/EC and should endeavour to continue such assistance in line with Regulation (EU) 2025/2434 of the European Parliament and of the Council¹⁴.
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↓ 2023/946 recital 11 (adapted)

- (27) In order to enable the Commission to evaluate and report to the European Parliament and the Council on the implementation of this Directive, Member States should provide data on every new ro-ro passenger ship that is certified to carry 1 350 or fewer persons on board for regular service in compliance with the stability requirements ☒ laid down ☒ in this Directive. ☒ That ☒ data should be provided in accordance with the structure set out in Annex III. ☒ The ☒ data should be available for all new ro-ro passenger ships, as they are required to comply with the probabilistic stability requirements ☒ laid down ☒ in SOLAS 2020.

¹⁴ Regulation (EU) 2025/2434 of the European Parliament and of the Council of 26 November 2025 on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 (OJ L, 2025/2434, 29.12.2025, ELI: <http://data.europa.eu/eli/reg/2025/2434/oj>).

↓ 2003/25/EC recital 22 (adapted)

- (28) Every ro-ro passenger ship engaged in voyages within the scope of this Directive should carry a certificate of compliance issued by the administration of flag State, which should be accepted by all other Member States.
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↓ 1243/2019 Art. 1 and Annex, point IX(4) (adapted)

- (29) In order to adapt ~~the~~ this ~~the~~ Directive to technical progress, to developments at international level and to experience gained in its implementation, the power to adopt acts in accordance with Article 290 ~~of~~ of the Treaty on the Functioning of the European Union ~~should~~ should be delegated to the Commission to amend the Annexes to ~~the~~ this ~~the~~ Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁵. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
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↓ 2003/25/EC recital 28 (adapted)

- (30) Since the ~~the~~ objectives ~~of~~ of ~~the~~ this Directive ~~is~~, namely to safeguard human life at sea by improving the survivability of ro-ro passenger ships in the event of damage, cannot be sufficiently achieved by the Member States ~~but~~ but ~~can~~ can ~~rather~~ rather ~~be~~, by reason of the scale and effects of the action, be better achieved at ~~the~~ Union ~~level~~ level, the ~~the~~ Union ~~may~~ may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty ~~on~~ on European Union ~~is~~. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve ~~the~~ those objectives ~~is~~.
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↓ 2023/946 recital 13 (adapted)

- (31) In order not to impose a disproportionate administrative burden on landlocked Member States which have no seaports, and which have no ro-ro passenger ships flying their flag falling within the scope of ~~the~~ this ~~the~~ Directive, such Member States should be allowed to derogate from the provisions of ~~the~~ this ~~the~~ Directive. This means that as long as those conditions are fulfilled, they are not obliged to transpose Directive ~~the~~ 2003/25/EC ~~is~~.
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↓

- (32) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for the transposition into national law of the Directives set out in Part B of Annex IV,

¹⁵ OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinst/2016/512/oj.

↓ 2003/25/EC (adapted)

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

The purpose of this Directive is to lay down a uniform level of specific stability requirements for ro-ro passenger ships, which will improve the survivability of this type of vessel in case of collision damage and provide a high level of safety for the passengers and the crew.

Article 2

Definitions

For the purpose of this Directive, the following definitions apply:

↓ 2023/946 Art. 1.1(b) (adapted)

- (1) ‘SOLAS Convention’ means the International Convention for the Safety of Life at Sea ☒ 1974, ☒ and amendments thereto in force;

↓ 2023/946 Art. 1.1(c) (adapted)

- (2) ‘SOLAS 90’ means the International Convention for the Safety of Life at Sea, ☒ 1974, ☒ as amended by Resolution MSC.117(74);
- (3) ‘SOLAS 2009’ means the International Convention for the Safety of Life at Sea, ☒ 1974, ☒ as amended by Resolution MSC.216(82);
- (4) ‘SOLAS 2020’ means the International Convention for the Safety of Life at Sea, ☒ 1974, ☒ as amended by Resolution MSC.421(98);

↓ 2003/25/EC (adapted)

- (5) ‘Stockholm Agreement’ means the Agreement concluded at Stockholm on 28 February 1996 in pursuance of Resolution 14 ☒ on ☒ ‘Regional agreements on specific stability requirements for ro-ro passenger ships’, adopted ☒ by the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, ☒ on 29 November 1995 ☒ (Resolution 14 of the 1995 SOLAS Conference) ☒ ;
- (6) ‘ro-ro passenger ship’ means a ship carrying more than 12 passengers, having ro-ro cargo spaces or special category spaces, as defined in Regulation II-2/3 of the SOLAS Convention;

↓ 2023/946 Art. 1.1(a) (adapted)

- (7) ‘existing ro-ro passenger ship’ means a ro-ro passenger ship the keel of which ☒ was ☒ laid or which ☒ was ☒ at a similar stage of construction before 5 December 2024; a similar stage of construction means the stage at which:

- (a) construction identifiable with a specific ship begins; and
 - (b) assembly of that ship has commenced comprising at least 50 tonnes or 1 % of the estimated mass of structural material, whichever is less;
- (8) ‘new ro-ro passenger ship’ means a ro-ro passenger ship which is not an existing ro-ro passenger ship;
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↓ 2003/25/EC (adapted)

- (9) ‘a passenger’ ☒ means ☒ every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship and other than a child under ☒ the age of ☒ one year;
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↓ 2023/946 Art. 1.1(d) (adapted)

- (10) ‘regular service’ means a series of ro-ro passenger ship crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls:
- (a) according to a published timetable; or
 - (b) with crossings so regular or frequent that they constitute a recognisable systematic series;
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↓ 2003/25/EC (adapted)

- (11) ‘administration of flag State’ means the competent authorities of the State whose flag the ro-ro passenger ship is entitled to fly;
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↓ 2023/946 Art. 1.1(e)

- (12) ‘Port State’ means a Member State to or from whose ports a ro-ro passenger ship is engaged on a regular service;
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↓ 2003/25/EC

- (13) ‘international voyage’ means a sea voyage from a port of a Member State to a port outside that Member State, or vice versa;
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↓ 2023/946 Art. 1.1(f) (adapted)

- (14) ‘specific stability requirements’ means the stability requirements referred to in Article 6 ☒ of this Directive ☒;
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↓ 2003/25/EC (adapted)

- (15) ‘significant wave height’ (H_s) ☒ means ☒ the average height of the highest third of wave heights observed over a given period;

- (16) ‘residual freeboard’ (f_r) is the minimum distance between the damaged ro-ro deck and the final waterline at the location of the damage, without taking into account the additional effect of the sea water accumulated on the damaged ro-ro deck;

↓ 2023/946 Art. 1.1(g)

- (17) ‘company’ means the owner of a ro-ro passenger ship or any other organisation or person, such as the manager or the bareboat charterer, who has assumed responsibility for operating the passenger ship from the owner.

↓ 2003/25/EC

Article 3

Scope

1. This Directive shall apply to all ro-ro passenger ships operating to or from a port of a Member State on a regular service, regardless of their flag, when engaged on international voyages.

↓ 2023/946 Art. 1.2

2. Each Member State, in its capacity as Port State, shall ensure that ro-ro passenger ships flying the flag of a State which is not a Member State comply fully with the requirements of this Directive before they may be engaged on voyages in regular service from or to ports of that Member State in accordance with Directive (EU) 2017/2110 of the European Parliament and of the Council¹⁶.

↓ 2023/946 Art. 1.3 (adapted)

3. Member States which do not have seaports and which have no ro-ro passenger ships flying their flag that fall within the scope of this Directive may derogate from the provisions of this Directive with the exception of the obligation set out in the second subparagraph.

Those Member States which intend to avail themselves of such derogation shall communicate to the Commission by 5 December 2024 if the conditions have been met, and shall inform the Commission of any subsequent change. Such Member States may not allow ro-ro passenger ships that fall within the scope of this Directive to fly their flag until they have transposed and implemented Directive $\boxtimes$ 2003/25/EC $\boxtimes$.

↓ 2023/946 Art. 1.4 (adapted)

Article 4

Significant wave heights

¹⁶ Directive (EU) 2017/2110 of the European Parliament and of the Council of 15 November 2017 on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC (OJ L 315, 30.11.2017, p. 61, ELI: <http://data.europa.eu/eli/dir/2017/2110/oj>).

The significant wave heights shall be used for determining the height of water on the car deck when applying the specific stability requirements ☒ laid down ☒ in section A of Annex I. The figures of significant wave heights shall be those which are not exceeded by a probability of more than 10 % on a yearly basis.

↓ 2003/25/EC

Article 5

Sea areas

↓ 2023/946 Art. 1.5(a)

1. Port States shall establish and keep updated a list of sea areas crossed by ro-ro passenger ships operating on regular service to or from their ports as well as the corresponding values of significant wave heights in these areas.

↓ 2003/25/EC (adapted)

2. The sea areas and the applicable values of the significant wave height in these areas ☒ , as referred to in paragraph 1, ☒ shall be defined by agreement between the Member States or, wherever applicable and possible, between Member States and third countries at both ends of the route. Where the ship's route crosses more than one sea area, the ship shall satisfy the specific stability requirements for the highest value of significant wave height identified for these areas.

↓ 2023/946 Art. 1.5(b) (adapted)

3. The list ☒ referred to in paragraph 1 ☒ shall be published in a public database available on the internet site of the competent maritime authority. The location of such information as well as any updates to the list and the reasons for such updates shall be notified to the Commission.

↓ 2023/946 Art. 1.6 (adapted)

Article 6

Specific stability requirements

1. Without prejudice to the application of Directive 2009/45/EC , new ro-ro passenger ships certified to carry more than 1 350 persons on board shall comply with the specific stability requirements ☒ laid down ☒ in Chapter II-1, Part B, of SOLAS 2020.

2. At the company's choice, new ro-ro passenger ships certified to carry 1350 or fewer persons on board shall comply with:

- (a) the specific stability requirements ☒ laid down ☒ in section A of Annex I to this Directive; or
- (b) the specific stability requirements ☒ laid down ☒ in section B of Annex I to this Directive.

For each such ship, the administration of flag State shall, within a period of two months from the date of issuance of the certificate referred to in Article 7, notify the Commission of the choice made of the option referred to in the first subparagraph and include with such notification the details referred to in Annex III.

3. In applying the requirements ☒ laid down ☒ in section A of Annex I, Member States shall use the guidelines set out in Annex II, in so far as this is practicable and compatible with the design of the ship in question.

4. At the company's choice, existing ro-ro passenger ships certified to carry more than 1 350 persons on board which the company introduces to the regular service operation to or from a port of a Member State after 5 December 2024 and which have never been certified in accordance with this Directive shall comply with:

- (a) the specific stability requirements ☒ laid down ☒ in Chapter II-1, Part B, of SOLAS 2020; or
- (b) the specific stability requirements ☒ laid down ☒ in section A of Annex I to this Directive, in addition to those set out in Chapter II-1, Part B, of SOLAS 2009.

The stability requirements that are applied shall be noted in the ship's certificate ☒ referred to in ☒ Article 7.

5. At the company's choice, existing ro-ro passenger ships certified to carry 1350 or fewer persons on board which the company introduces to the regular service operation to or from a port of a Member State after 5 December 2024 and which have never been certified in accordance with this Directive shall comply with:

- (a) the specific stability requirements ☒ laid down ☒ in section A of Annex I to this Directive; or
- (b) the specific stability requirements ☒ laid down ☒ in section B of Annex I to this Directive.

The stability requirements that are applied shall be noted in the ship's certificate referred to in Article 7.

6. Existing ro-ro passenger ships that were engaged in ☒ the operation of a ☒ regular service to or from a port of a Member State by 5 December 2024 shall continue to comply with the specific stability requirements ☒ laid down ☒ in Annex I in the version that applied before the entry into force of Directive (EU) 2023/946 .

↓ 2023/946 Art. 1.8 (adapted)

Article 7

Certificates

1. All new and existing ro-ro passenger ships flying the flag of a Member State shall carry a certificate confirming compliance with the specific stability requirements referred to in Article 6.

The certificates shall be issued by the administration of flag State and may be combined with other related certificates. For ro-ro passenger ships complying with the specific stability requirements ☒ laid down ☒ in section A of Annex I, the certificate shall indicate the significant wave height up to which the ship can satisfy the specific stability requirements.

The certificate shall remain valid as long as the ro-ro passenger ship operates in an area with the same or a lower value of significant wave height.

2. Each Member State acting in its capacity as Port State shall recognise certificates issued by another Member State in compliance with this Directive.

3. Each Member State acting in its capacity as Port State shall accept certificates issued by a third country certifying that a ro-ro passenger ship complies with the specific stability requirements laid down in this Directive.

↓ 2023/946 Art. 1.9 (adapted)

Article 8

Seasonal and other short-time period operations

1. If a company operating a regular service on a year-round basis wishes to introduce additional ro-ro passenger ships to operate for a shorter period on that service, it shall notify the competent authority of the Port State or States not later than one month before said ships are operated on that service.

2. However, in cases where, following unforeseen circumstances, a replacement ro-ro passenger ship must be introduced rapidly to ensure continuity of service, Article 4(4) of Directive (EU) 2017/2110 and point 1.3 of Annex XVII to Directive 2009/16/EC of the European Parliament and of the Council¹⁷ shall apply instead of the notification requirement ☒ laid down in ☒ paragraph 1.

3. If a company wishes to operate a regular service seasonally for a shorter period not exceeding six months a year, it shall notify the competent authority of the Port State or States no later than three months before that operation takes place.

4. For ro-ro passenger ships that comply with the specific ☒ stability ☒ requirements ☒ laid down ☒ in section A of Annex I, where operations within the meaning of paragraphs 1, 2 and 3 of this Article take place under conditions of lower significant wave height than those established for the same sea area for all-year-round operation, the significant wave height value applicable for the shorter period may be used by the competent authority for determining the height of water on the deck when applying the specific stability requirements ☒ laid down ☒ in section A of Annex I. The value of the significant wave height applicable for this shorter time period shall be agreed between the Member States or, wherever applicable and possible, between Member States and third countries at both ends of the route.

5. Following agreement of the competent authority of the Port State or States for operations within the meaning of paragraphs 1, 2 and 3 ☒ of this Article ☒, the ro-ro passenger ship which undertakes such operations shall be required to carry a certificate confirming compliance with the provisions of this Directive, as provided for in Article 7(1).

¹⁷ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57, ELI: <http://data.europa.eu/eli/dir/2009/16/oj>).

Article 9

Amendment of Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 10 amending the Annexes in order to take account of developments at international level, in particular in the  International Maritime Organisation  (IMO), and to improve the effectiveness of this Directive in the light of experience and technical progress.

Article 10

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 11

Penalties

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure

that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

↓ 2023/946 Art. 1.10

Article 12

Review

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council by 5 June 2033. Information based on the notifications referred to in Article 6(2) shall be made available in anonymised form.

↓

Article 13

Repeal

Directive 2003/25/EC, as amended by the acts listed in Part A of Annex IV, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of the Directives set out in Part B of Annex IV.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

↓ 2003/25/EC (adapted)

Article 14

Entry into force

This Directive shall enter into force on the ☒ twentieth ☒ day following that of its publication in the *Official Journal of the European Union*.

Article 15

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President