



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 November 2002

13944/02

**Interinstitutional File:
2002/0074 (COD)
2002/0075 (COD)**

**CODEC 1393
MAR 136**

INFORMATION NOTE

Subject : -Proposal for a European Parliament and Council Directive on specific stability requirements for ro-ro passenger ships
-Proposal for a European Parliament and Council Directive amending Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships
– Outcome of the European Parliament's first reading
(Brussels, 6 to 7 November 2002)

I. INTRODUCTION

Under the new approach, which is based on a constructive dialogue between the Parliament and the Council and follows on from the Joint Declaration on Practical Arrangements for the New Co-decision Procedure (article 251 of the EC Treaty), a number of informal contacts were made between those two institutions and the Commission with a view to reaching a possible compromise agreement in first reading in both dossiers.

The rapporteurs, Mr Bernard POIGNANT (PSE, FR) (first dossier) and Mr Carlos RIPOLL I MARTINEZ BEDOYA (PPE-DE, ES) (second dossier), presented, on behalf of the Committee on Regional Policy, Transport and Tourism, 16 amendments in each report, as agreed during the informal contacts with the Danish Presidency.

During the debate, which took place in the plenary session of 6 November, the Commissioner Mrs DE PALACIO first congratulated the two rapporteurs for their excellent work underlining the Commission's response to the recent vessel accidents. The Commission's proposals aim at enhancing stability requirements for ro-ro passenger ships by extending the Stockholm agreement to the rest of European waters not yet covered by the stricter standards of this agreement, taking particularly into account the special needs for access to vessels by disabled persons. As a general political compromise has been reached, the Commission can accept all the amendments tabled by the RETT committee to both reports.

The first rapporteur, Mr POIGNANT (PSE, FR), introducing his report on behalf of the RETT committee, agreed with the Commission on the necessity to extend the more stringent standards of the Stockholm agreement to the entirety of EU as no distinction between the North and South of Europe can be justified. Since full compliance with SOLAS Regulations is to take place by 2010, on the basis of the IMO timetable and of Directive 98/18/CE, the industry should meet no problem to invest in the upgrade of the vessels concerned. Finally, it is appropriate that vessels, which have already been modified to adapt them to the provisions of SOLAS 90, should be accorded a longer transitional period (until 2015) in order to avoid the extra costs incurred by the standards of the Stockholm agreement.

The second rapporteur, Mr RIPOLL I MARTINEZ BEDOYA (PPE-DE, ES), thanked the Commission for its co-operation by accepting all the amendments tabled unanimously by the RETT committee, especially regarding class C, D and E vessels as well as for its flexibility to loosen conditions on the definition of people with reduced mobility.

Both reports are not going to put an end to sea accidents and, consequently, the Commission and the Parliament have to be attentive and ready to react quickly in order to further improve stability and safety standards for ro-ro passenger ships operating in the EU.

Mrs SCALLON (PPE-DE, IRL), on behalf of her group, also welcomed the step forward made by both reports on improving safety standards for domestic and international trips. By implementing the stricter - than the SOLAS 90 Convention - rules of the Stockholm agreement, sea accidents are less likely to happen again. The speaker, finally, emphasised on the necessity for full implementation of the new Directive, including its measures for persons with reduced mobility, easily accessible alarm systems and highly trained crew on board.

Finally, Mr ORTUONDO LARREA (Verts/ALE, ES), on behalf of his group, also expressed his support for the Commission proposals, regarding, in particular, special measures for protecting persons with reduced mobility and, thus, enhancing social justice for all kind of passengers.

II. VOTE

On 7 November, the plenary session of the EP adopted the 16 amendments of the POIGNANT report as well as the 16 amendments of the RIPOLL I MARTINEZ BEDOYA report. The amendments form part of the package of amendments agreed during the informal contacts between the representatives of the Parliament, the Commission and the Council.

The text of the amendments adopted and the European Parliament's legislative Resolution are set out in Annex hereto.

Stability requirements for ro-ro passenger ships *I**

European Parliament legislative resolution on the proposal for a European Parliament and Council directive on specific stability requirements for ro-ro passenger ships (COM(2002) 158 – C5-0144/2002 – 2002/0074(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2002) 158),
 - having regard to Articles 251(2) and 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0144/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0339/2002),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1
Recital 20

(20) The specific stability requirements introduced by this Directive should be based on a method which calculates the height of water on the ro-ro deck following a collision damage in relation to two basic parameters: the ship's residual *free board* and the significant wave height in the sea area where the ship operates.

(20) The specific stability requirements introduced by this Directive should be based on a method which calculates, ***in accordance with the method laid down in the annexes to the Stockholm Agreement***, the height of water on the ro-ro deck following collision damage in relation to two basic parameters: the ship's residual *freeboard* and the significant wave height in the sea area where the ship operates.

Amendment 2
Recital 21

(21) Member States should determine and publicise the significant wave heights in the sea areas ***under their jurisdiction***; for international routes the significant wave heights should be established in agreement between the States at both ends of the route. Significant wave heights for seasonal operation in the same sea areas may also be determined.

(21) Member States should determine and publicise the significant wave heights in the sea areas ***crossed by ro-ro passenger ships operating on regular service to or from their ports***; for international routes the significant wave heights should be established ***whenever possible*** in agreement between the States at both ends of the route. Significant wave heights for seasonal operation in the same sea areas may also be determined.

Amendment 3
Recital 24

(24) In view of the structural modifications that the existing ships may need to undergo in order to comply with the specific stability requirements, those requirements should be introduced over a period of years in order to allow sufficient time *to the affected part* of the industry to comply: to that end, a phasing-in timetable for existing ships should be provided.

(24) In view of the structural modifications that the existing ***ro-ro passenger*** ships may need to undergo in order to comply with the specific stability requirements, those requirements should be introduced over a period of years in order to allow sufficient time *for the sector of the industry concerned* to comply; to that end, a phasing-in timetable for existing ships should be provided. ***This timetable should not affect the implementation of the specific stability requirements by States party to the Stockholm Agreement.***

Amendment 4
Recital 24 a (new)

(24a) Article 4(1)(e) of Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services⁽¹⁾ requires host Member States to check that ro-ro ferries and high-speed passenger craft comply with the specific stability requirements adopted at regional level and transposed into their national legislation when operating in that region a service covered by that national legislation.

⁽¹⁾ OJ L 138, 1.6.1999, p. 1.

Amendment 5
Recital 24 b (new)

(24b) High-speed passenger craft as defined in Chapter X, Regulation 1 of the 1974 SOLAS Convention, as amended, should not be required to conform to the provisions of this Directive provided that they comply in full with the provisions, as amended, of the IMO's international register of safety rules applicable to high-speed craft.

Amendment 6
Article 1

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 *vessels* in case of collision damage and provide a **higher** level of safety for the passengers and the crew.

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.

Amendment 7
Article 2, point (a)

(a) "ro-ro passenger ship" means a ***seagoing*** passenger vessel ***with facilities to enable road or rail vehicles to roll on and roll off the vessel, and carrying more than 12 passengers;***

(a) "ro-ro passenger ship" means a passenger vessel ***carrying more than 12 passengers, having ro-ro cargo spaces or special-category spaces, as defined in regulation II-2/3 of the 1974 SOLAS Convention, as amended;***

Amendment 8
Article 2, point (d)

(d) "a passenger" is 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;

(d) "a passenger" is 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 one year of age;***

Amendment 9
Article 2, point (e)

(e) "International Conventions" means the 1974 International Convention for the Safety of Life at Sea (the 1974 SOLAS Convention), and the 1966 International Convention on Load Lines, together with Protocols and amendments thereto in force ***on the date of adoption of this Directive;***

(e) "International Conventions" means the 1974 International Convention for the Safety of Life at Sea (the 1974 SOLAS Convention), and the 1966 International Convention on Load Lines, together with Protocols and amendments thereto in force;

Amendment 10
Article 5, paragraph 1

1. ***Member*** States shall establish, not later than six months before the date mentioned in Article 13, a list of sea areas ***under their jurisdiction and*** the corresponding values of significant wave heights.

1. ***Host*** States shall establish, not later than six months before the date mentioned in Article 13, 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.***

Amendment 11
Article 5, paragraph 2

2. The sea areas and the applicable values of the significant wave height in these areas shall be defined by agreement between the Member States or 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.

2. The sea areas and the applicable values of the significant wave height in these areas shall be defined by agreement between the Member States or, ***whenever 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.

Amendment 12
Article 6, paragraph 2

2. For ro-ro passenger ships operating in sea areas where the significant wave height is equal to or lower than 1,5 metres, compliance with the requirements of regulation II-1/8 the Safety of Life at Sea (SOLAS) Convention shall be considered equivalent to compliance with the specific stability requirements set out in Annex I.

2. For ro-ro passenger ships operating ***exclusively*** in sea areas where the significant wave height is equal to or lower than 1.5 metres, compliance with the requirements of regulation II-1/8 *of* the Safety of Life at Sea (SOLAS) Convention shall be considered equivalent to compliance with the specific stability requirements set out in Annex I.

Amendment 13
Article 7, paragraph 2

2. Existing ro-ro passenger ships shall comply with the specific stability requirements as set out in Annex I by not later than 1 October 2010.

2. Existing ro-ro passenger ships, ***with the exception of those ships to which Article 6(2) applies***, shall comply with the specific stability requirements as set out in Annex I not later than 1 October 2010. ***Existing ro-ro passenger ships which on the date of adoption of this Directive are in compliance with the requirements of regulation II-1/8 of the 1974 SOLAS Convention (Solas 90 standard) shall comply with the specific stability requirements as set out in Annex I not later than 1 October 2015. This provision shall apply without prejudice to Article 4(1)(e) of Directive 1999/35/EC.***

Amendment 14
Article 8, paragraph 1, subparagraphs 2 and 3

This certificate shall be issued by the Administration of the flag State and will indicate the significant wave height up to which the ship can satisfy the specific stability requirements ***as well as the area for which the certificate has been originally issued.***

The certificate shall remain valid as long as the vessel operates in ***the same area or in another area within which the same value of significant wave height has been registered.***

This certificate, ***which may be combined with other related certificates***, shall be issued by the Administration of the flag State and will 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 vessel operates in ***an area with the same or a lower value of significant wave height.***

Amendment 15
Article 9

Seasonal operation

1. If a shipping company operating a regular scheduled service on a year round basis wishes to introduce additional ro-ro passenger ships to operate for a shorter **season** on that service, it shall notify the competent authority of the host state or states not later than **three months** before the said additional ships are operated on that service.

Where such **seasonal operation takes** place under conditions of lower significant wave height than those established for the same sea area for a year round operation, the **seasonal** significant wave height value may be used by the competent authority for determining the height of water when applying the specific stability standard contained in Annex I. The **seasonal** value of the significant wave height **to apply** shall be agreed between the Member States or between Member States and third countries at both ends of the route.

2. Following agreement of the competent authority of the host State or States for **a seasonal operation** within the meaning of **paragraph 1**, the ro-ro passenger ship which undertakes such **seasonal** operations shall have to carry a certificate of compliance with the provisions of this Directive, as provided for in Article 8(1).

Seasonal and short time period operations

1. If a shipping company operating a regular scheduled 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 host State or States not later than **one month** before the said additional ships are operated on that service. **However, in cases where, following unforeseen circumstances, a replacement ro-ro passenger ship must be introduced rapidly to ensure continuity of service, the provisions of Directive 1999/35/EC shall apply.**

1a. If a shipping company wishes to operate seasonally a regular scheduled service for a shorter time period not exceeding six months a year, it shall notify the competent authority of the host State or States not later than three months before such operation takes place.

2. Where such **operations take** place under conditions of lower significant wave height than those established for the same sea area for a year round operation, the significant wave height value **applicable for this shorter time period** may be used by the competent authority for determining the height of water **on the deck** when applying the specific stability standard contained in Annex I. The value of the significant wave height **applicable for this shorter time period shall be agreed** between the Member States or, **whenever possible**, between Member States and third countries at both ends of the route.

3. Following agreement of the competent authority of the host State or States for **operations** within the meaning of **paragraphs 1 and 1a**, the ro-ro passenger ship which undertakes such operations shall have to carry a certificate of compliance with the provisions of this Directive, as provided for in Article 8(1).

Amendment 17
Article 13, paragraph 1

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive *by 1 January 2004 at the latest*. They shall forthwith inform the Commission thereof.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive *not later than 18 months after its entry into force*. They shall forthwith inform the Commission thereof.

Safety rules and standards for passenger ships *I**

European Parliament legislative resolution on the proposal for a European Parliament and Council directive amending Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships (COM(2002) 158 – C5-0145/2002 – 2002/0075(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2002) 158),
 - having regard to Articles 251(2) and 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0145/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0348/2002),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1

RECITAL 4 a (new)

(4a) In view of the structural modifications that the existing ro-ro passenger ships may need to undergo in order to comply with the specific stability requirements, those requirements should be introduced over a period of years in order to allow sufficient time for the sector of the industry concerned to comply; to that end, a phasing-in timetable for existing ships should be provided. This timetable should not affect the implementation of the specific stability requirements by States party to the Stockholm Agreement.

Amendment 2

ARTICLE 1, POINT 1

Article 2, point (e a) (new) (Directive 98/18/EC)

(ea) "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 1974 SOLAS Convention, as amended;

Amendment 3

ARTICLE 1, POINT 1

Article 2, point (h a) (new) (Directive 98/18/EC)

(ha) "age" shall mean the age of the ship, expressed in number of years after the date of its delivery;

Amendment 4

ARTICLE 1, POINT 1

Article 2, point (w) (Directive 98/18/EC)

(w) "persons with reduced mobility" means ***all people who have a difficulty*** when using public transport, ***such as disabled people (including people with sensory and intellectual impairments, and wheelchair users), people with limb impairments, people of small stature, people with heavy***

(w) "persons with reduced mobility" means ***anyone who has a particular difficulty*** when using public transport, ***including elderly persons, disabled persons, persons with sensory impairments and wheelchair users, pregnant women and persons accompanying small children.***

luggage, elderly people, pregnant women, people with shopping trolleys, and people with children (including children seated in push chairs).

Amendment 5

ARTICLE 1, POINT 2

Article 4, paragraph 2, point (a) (Directive 98/18/EC)

(a) establish and ***promptly*** update a list of sea areas under its jurisdiction, delimiting the zones for the all-year-round and, where appropriate, restricted periodical operation of the classes of ships, using the criteria for classes set out in paragraph 1;

(a) establish and update, ***when necessary***, a list of sea areas under its jurisdiction, delimiting the zones for the all-year-round and, where appropriate, restricted periodical operation of the classes of ships, using the criteria for classes set out in paragraph 1;

Amendment 6

ARTICLE 1, POINT 3

Article 6a, paragraph 1 (Directive 98/18/EC)

1. All ro-ro passenger ships of Classes A, B and C, the keel of which is laid or which are at a similar stage of construction on or after 1 October 2004 shall comply with the ***specific stability requirements set out in Directive [yyyy/xx/EC].***

1. All ro-ro passenger ships of Classes A, B and C, the keel of which is laid or which are at a similar stage of construction on or after 1 October 2004 shall comply with the ***provisions of Articles 6, 8 and 9 of European Parliament and Council Directive .../.../EC of ... [on specific stability requirements for ro-ro passenger ships].***

Amendment 7

ARTICLE 1, POINT 3

Article 6a, paragraph 2 (Directive 98/18/EC)

2. All ro-ro passenger ships of Classes A and B, the keel of which is laid or which are at a similar stage of construction before 1 October 2004 shall comply with the ***specific stability requirements set out in Directive [yyyy/xx/EC]*** by 1 October 2010, unless they are phased out on that date or on a later date on which they reach the age of 30 years but in any case not later than ***1 January 2015.***

2. All ro-ro passenger ships of Classes A and B, the keel of which is laid or which are at a similar stage of construction before 1 October 2004 shall comply with the ***provisions of Articles 6, 8 and 9 of Directive .../.../EC [on specific stability requirements for ro-ro passenger ships]*** by 1 October 2010, unless they are phased out on that date or on a later date on which they reach the age of 30 years but in any case not later than ***1 October 2015.***

Amendment 8
ARTICLE 1, POINT 3
Article 6a, paragraph 3 (Directive 98/18/EC)

3. All ro-ro passenger ships of Classes C and D, the keel of which is laid or which are at a similar stage of construction before 1 October 2004 shall comply with the provisions of paragraph II-1/B/8 of Annex I by 1 October 2010, unless they are phased out on that date or on a later date on which they reach the age of 30 years but in any case not later than 1 January 2015.

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Amendment 9
ARTICLE 1, POINT 3

Article 6b, paragraph 1 (Directive 98/18/EC)

1. Member States shall **take** appropriate measures, based on the guidelines in Annex III to enable persons with reduced mobility to have safe access to all passenger ships of Classes A, B, C and D and to all high speed passenger craft, the keel of which is laid or which are at a similar stage of construction on or after 1 October 2004.

1. Member States shall **ensure that** appropriate measures **are taken**, based on, **where practicable**, the guidelines in Annex III to enable persons with reduced mobility to have safe access to all passenger ships of Classes A, B, C and D and to all high speed passenger craft, **used for public transport**, the keel of which is laid or which are at a similar stage of construction on or after 1 October 2004.

Amendment 10
ARTICLE 1, POINT 3

Article 6b, paragraph 3 (Directive 98/18/EC)

3. For the purpose of modification of passenger ships of Classes A, B, C and D and high speed craft, the keel of which is laid or which are at a similar stage of construction before 1 October 2004, Member States shall apply the guidelines in Annex III as far as reasonable and practicable in economic terms.

Member States shall draw up a national action plan on how the guidelines shall be applied to such ships and craft. They shall communicate that plan to the Commission.

3. For the purpose of modification of passenger ships of Classes A, B, C and D and high speed craft, **used for public transport**, the keel of which is laid or which are at a similar stage of construction before 1 October 2004, Member States shall apply the guidelines in Annex III as far as reasonable and practicable in economic terms.

Member States shall draw up a national action plan on how the guidelines shall be applied to such ships and craft. They shall communicate that plan to the Commission **not later than 24 months from the entry into force of the Directive**.

Amendment 11
ARTICLE 1, POINT 3

Article 6b, paragraph 4 (Directive 98/18/EC)

4. Member States shall report to the Commission on the implementation of this Article as regards all passenger ships referred to in paragraph 1, passenger ships referred to in paragraph 3 certified to carry more than 400 passengers and all high speed crafts, **before 1 October 2007**.

4. Member States shall report to the Commission on the implementation of this Article as regards all passenger ships referred to in paragraph 1, passenger ships referred to in paragraph 3 certified to carry more than 400 passengers and all high speed crafts, **not later than 36 months from the entry into force of the Directive**.

Amendment 12
ARTICLE 3, PARAGRAPH 1

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive **by 1 January 2004 at the latest**. They shall forthwith inform the Commission thereof.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive **not later than 18 months from its entry into force**. They shall forthwith inform the Commission thereof.

Amendment 13
ANNEX

Annex III, introductory paragraph (new) (Directive 98/18/EC)

In applying the guidelines of this Annex, Member States shall follow the IMO circular MSC/735 of 24 June 1996 entitled "Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons' needs".

Amendment 14
ANNEX

Annex III, paragraph 1 (Directive 98/18/EC)

The ships should be constructed and equipped in such a way that a person with reduced mobility can embark and disembark easily and safely, either unassisted or by means of ramps, elevators or lifts. Directions to such access should be posted at the other accesses to the ship and at other appropriate locations throughout the ship.

The ships should be constructed and equipped in such a way that a person with reduced mobility can embark and disembark easily and safely, **can be ensured access between decks**, either unassisted or by means of ramps, elevators or lifts. Directions to such access should be posted at the other accesses to the ship and at other appropriate locations throughout the ship.

Amendment 15
ANNEX
Annex III, paragraph 2 (Directive 98/18/EC)

Signs provided on a ship to aid passengers should be accessible and easy to read for persons with reduced mobility, and be positioned at key points.

Signs provided on a ship to aid passengers should be accessible and easy to read for persons with reduced mobility (***including persons with sensory disabilities***), and be positioned at key points.

Amendment 16
ANNEX
Annex III, paragraph 4 (Directive 98/18/EC)

Alarm/call buttons shall be available and accessible to passengers with reduced mobility.

The alarm system must be designed to be accessible by and to alert all passengers with reduced mobility including persons with sensory disabilities and persons with learning disabilities. Alarm/call buttons shall be available and accessible to passengers with reduced mobility.