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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	7 June 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 371 final - ANNEXES 1 to 4
Subject:	ANNEXES to the DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a system of inspections for the safe operation of ro-ro ferry and high-speed passenger craft in regular service and amending Directive 2009/16/EC of the European Parliament and of the Council on port State control and repealing Council Directive 1999/35/EC

Delegations will find attached document COM(2016) 371 final - ANNEXES 1 to 4.

Encl.: COM(2016) 371 final - ANNEXES 1 to 4

EUROPEAN
COMMISSION

Brussels, 6.6.2016
COM(2016) 371 final

ANNEXES 1 to 4

ANNEXES

to the

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on a system of inspections for the safe operation of ro-ro ferry and high-speed passenger craft in regular service and amending Directive 2009/16/EC of the European Parliament and of the Council on port State control and repealing Council Directive 1999/35/EC

ANNEX 1

SPECIFIC REQUIREMENTS FOR VESSELS IN REGULAR SERVICE

(as referred to in Articles 3 and 5)

The following shall be verified:

1. the master is provided with appropriate information on the availability of shore-based navigational guidance systems and other information schemes to assist him in the safe conduct of the voyages, before the ro-ro ferry or high-speed passenger craft begins to sail, and that he makes use of the navigational guidance and information schemes set up by Member States;

2. the relevant provisions of paragraphs 2 to 6 of MSC/Circular 699 of 17 July 1995 "Revised guidelines for passenger safety instructions" are applied;

3. a table with the shipboard working arrangements is posted in an easily accessible place, and contains:

   (a) the schedule of service at sea and service in port, and

   (b) the maximum hours of work or the minimum hours of rest required for watchkeepers;

4. the master is not constrained from taking any decision, which in the master's professional judgment is necessary for safe navigation and operation, in particular in severe weather and in heavy seas;

5. the master keeps a record of navigational activities and incidents which are of importance to safety of navigation;

6. any damage to, or permanent deflection of shell doors and associated hull plating that may affect the integrity of the ferry or craft, and any deficiencies in the securing arrangements of such doors, are promptly reported to both the flag State administration and the port State and are promptly repaired to their satisfaction;

7. an up-to-date voyage plan is available before the departure of the ro-ro ferry or high-speed passenger craft on its voyage. In preparing the voyage plan the guidelines set out in IMO Assembly Resolution A.893(21) of 25 November 1999 "Guidelines for voyage planning" shall be taken fully into account;

8. general information about the services and assistance available to elderly and disabled persons on board is made known to the passengers and is made available in formats suitable for people with impaired sight.

ANNEX 2

PROCEDURES FOR INSPECTIONS

(as referred to in Articles 3 and 5)

1. The inspections shall ensure that statutory requirements issued by or on behalf of the flag State, in particular those relating to for construction, subdivision and stability, machinery and electrical installations, loading, stability, fire protection, maximum number of passengers, life saving appliances and the carriage of dangerous goods, radiocommunications and navigation are fulfilled. The inspections shall include for that purpose:

   – the starting of the emergency generator,

   – an inspection of emergency lighting,

   – an inspection of the emergency source of power for radio-installations,

   – a test of the public address system,

   – a fire drill, including a demonstration of the ability to use firemen's outfits,

   – the operation of the emergency fire-pump with two firehoses connected to the fire main line in operation,

   – the testing of the remote emergency stop controls for fuel supply to boilers, main and auxiliary engines, and for ventilation fans,

   – the testing of remote and local controls for the closing of fire dampers,

   – the testing of fire detection and alarm systems,

   – the testing of proper closing of fire doors,

   – the operation of bilge pumps,

   – the closing of watertight bulkhead doors; both from the local and remote control positions,

   – a demonstration that shows that key crew members are acquainted with the damage control plan,

   – the lowering of at least one rescue boat and one lifeboat to the water, starting and testing their propulsion and steering system, and recovering them from the water into their stowed position on board,

   – the checking that all lifeboats and rescue boats correspond to the inventory,

   – the testing of the ship's or craft's steering gear and auxiliary steering gear.

2. Inspections shall include the verification of the planned maintenance system on board.

3. Inspections shall focus on the familiarisation of crew members with, and their effectiveness in, safety procedures, emergency procedures, maintenance, working practices, passenger safety, bridge procedures and cargo and vehicle-related operations. Seafarers' ability to understand and, where appropriate, give orders and instructions and report back in the common working language, as recorded in the ship's logbook shall be checked. The documented evidence that crew members have successfully followed a special training shall be checked, in particular with regard to:

   – crowd-management training,

   – familiarisation training,

   – safety training for personnel providing direct safety assistance to passengers in passenger spaces, and in particular to elderly and disabled persons in an emergency, and

   – crisis management and human behaviour training.

   The inspection shall include an assessment as to whether rostering patterns are causing unreasonable fatigue particularly for watch-keeping personnel.

4. Certificates of competence of crew members serving on board vessels falling within the scope of this Directive shall comply with the provisions of Directive 2008/106/EC of the European Parliament and of the Council[1].

[1] Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (OJ L 323, 3.12.2008, p. 33).

ANNEX 3

PROCEDURES FOR CARRYING OUT INSPECTIONS DURING A REGULAR SERVICE

(as referred to in Article 5)

1. Passenger information

The means used to ensure that the passenger number for which the ro-ro ferry or high-speed passenger craft (hereafter referred to as "ship") is certified is not exceeded. The means of registration of passenger information complies with Council Directive 98/41/EC[2]. How the information on the total number of passengers is passed to the master and, if appropriate, how passengers undertaking a double crossing without going ashore are included in the total for the return voyage.

2. Loading and stability information

That, when applicable, reliable draught gauges are fitted and are in use. That measures are taken to ensure that the ship is not overloaded and the appropriate sub-division load line is not submerged. That the loading and stability assessment is carried out as required. That goods vehicles and other cargo are weighed where required and the figures passed to the ship for use in the loading and stability assessment. That damage control plans are permanently exhibited and that booklets containing damage control information are provided for the ship's officers.

3. Security for sea

The procedure to ensure that the ship is secured for sea before leaving the berth, which should include a positive reporting procedure that all the shell watertight and weather-tight doors are closed. That all the vehicle deck doors are closed before the ship leaves the berth or remain open long enough only to enable the bow visor to be closed, the closing arrangements for the bow, stern and side doors, and the provision of indicator lights and TV surveillance to show their status on the navigating bridge. Any difficulties with the operation of the indicator lights, particularly the switches at the doors, should be ascertained and reported.

4. Safety announcements

The form of routine safety announcements and the posting of instructions and guidance on emergency procedures in the appropriate language(s). That the routine safety announcement takes place at the commencement of the voyage and can be heard in all public spaces, including open decks, to which passengers have access.

5. Log book entries

An examination of the log book to ensure that the entries are being made regarding the closing of the bow, stern and other watertight and weather-tight doors, drills for

[2] Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p.35).

sub-division watertight doors, testing of steering gears, etc. Also that draughts, freeboard and stability are being recorded as well as the common working language for the crew.

6. Dangerous goods

That any cargo of dangerous or polluting goods is carried in accordance with the relevant regulations and, in particular, that a declaration concerning dangerous and polluting goods is provided together with a manifest or stowage plan to show their location on board, that the carriage of the particular cargo is permitted on passenger ships, and that the dangerous and polluting goods are properly marked, labelled, stowed, secured and segregated.

That vehicles carrying dangerous and polluting goods are properly placarded and secured. That, when dangerous and polluting goods are carried, a copy of the relevant manifest or stowage plan is available ashore. That the master is aware of the notification requirements under Directive 2002/59/EC of the European Parliament and of the Council[3] and of the instructions on the emergency procedures to be followed and the rendering of first aid should there be an incident involving the dangerous goods or marine pollutants. That the means of ventilating the vehicle decks is in use at all times, is increased when the engines of the vehicles are running and that there is some form of indication on the bridge to show that the vehicle deck ventilation is in operation.

7. Securing freight vehicles

How freight vehicles are secured, for example, whether block stow or individual lashings. Whether sufficient strong points are available. The arrangements for securing freight vehicles when adverse weather is experienced or expected. The method of securing coaches and motor cycles, if any. That the ship has a cargo securing manual.

8. Vehicle decks

Whether special category and ro-ro cargo spaces are being continuously patrolled or monitored by a TV surveillance system so that the movement of vehicles in adverse weather and the unauthorised entry of passengers may be observed. That fire doors and entrances are kept shut and that notices are posted to keep passengers off the vehicle decks whilst the ship is at sea.

9. Closure of watertight doors

That the policy laid down in the ship's operational instructions for the sub-division watertight doors is being followed. That the required drills are being carried out. That the bridge control for the watertight doors is kept, when possible, on "local" control. That the doors are being kept closed in restricted visibility and any hazardous situation. That crews are instructed in the correct way to operate the doors and are aware of the dangers of their misuse.

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[3] Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p.10).

10. Fire patrols

It should be confirmed that an efficient patrol is being maintained so that any outbreak of fire may be readily detected. This should include special category spaces where a fixed fire detection and alarm system is not fitted noting that these spaces may be patrolled as indicated in paragraph 8.

11. Communications in an emergency

That there are sufficient crew members in accordance with the muster list to assist passengers in an emergency and that they are readily identifiable and able to communicate with the passengers in an emergency, taking into account an appropriate and adequate combination of any of the following factors:

(a) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;

(b) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance whether or not the passenger and crew member share a common language;

(c) the possible need to communicate during an emergency by some other means (e.g. by demonstration, hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes when verbal communication is impractical);

(d) the extent to which complete safety instructions have been provided to passengers in their native language or languages;

(e) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

12. Common working language between crew members

Verify that a working language is established to ensure effective crew performance in safety matters and that this working language is recorded in the ship's logbook.

13. Safety equipment

That the live-saving and fire appliances, including the fire doors and other items of the structural fire protection that may be readily inspected, are being maintained. That fire control plans are permanently exhibited or booklets containing the equivalent information are provided for the information of the ship's officers. That the stowage of the lifejackets is appropriate and that the stowage of children's lifejackets may be readily identified. That the loading of vehicles does not prevent the operation of the fire controls, emergency shut-offs, controls for the storm valves, etc. that may be located on the vehicle decks.

14. Navigational and radio equipment

That the navigational and radio communications equipment, including emergency position-indicating radio beacons (EPIRBs), are operational.

15. Supplementary emergency lighting

That supplementary emergency lighting is fitted, when required by the regulations, and that a record of deficiencies is being kept.

16. Means of escape

Marking, in accordance with the applicable requirements, and the lighting, from both the main and emergency sources of power, of the means of escape. The measures taken to keep vehicles clear of escape routes where the means of escape cross or pass through vehicle decks. That exits, particularly exits from duty free shops, which have been found to be blocked by an excess of goods, are kept clear.

17. Operations book

That copies of the operations book are provided for the master and each senior officer and that other copies are available for all members of the crew. Also that there are check lists to cover the preparation for sea and other operations.

18. Engine room cleanliness

That the engine room is maintained in a clean condition with regard to maintenance procedures.

19. Garbage disposal

That the arrangements for the handling and disposal of garbage are satisfactory.

20. Planned maintenance

All companies should have specific standing orders, with a planned maintenance system, for all safety related areas including bow and stern doors and side openings, together with their closing arrangements, but also covering engine room maintenance and safety equipment. Plans should be in place for periodically checking all items so as to maintain safety standards at the highest level. Procedures should be in place for recording deficiencies and confirming they have been properly rectified so that the master and the designated person ashore within the company management structure are aware of the deficiencies and are notified when they have been rectified within a time specified. Periodic checking of the operation of the inner and outer bow door closing arrangements should include the indicators, surveillance equipment and any scuppers in the spaces between the bow visor and the inner door and especially the closing mechanisms and their associated hydraulic systems.

21. Making a voyage

When making a voyage the opportunity should be taken to check overcrowding, including the availability of seats and the blocking of passageways, stairs and emergency exits by baggage and by passengers unable to find seats. That the vehicle

deck is vacated by passengers before the ship sails and that they do not again have access until immediately prior to docking should also be checked.

Annex 4

CORRELATION TABLE

Directive 1999/35/EC	**New Directive**
Article 1	--
Article 2(a), (b), (d), (e), (f), (g), (h), (j), (m), (n), (o), (r)	Article 2(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)
Article 2(c), (i), (k), (l), (p), (q), (s)	--
Article 3	Article 1
Article 4	--
Article 5(1)(a)	Article 3
Article 5(1)(b), (2)	--
Article 6	Article 3
Article 7	Article 4
Article 8(1)	Article 5(1)
Article 8(2)	Article 5(3)
Article 8(3)	Article 9(1)
Article 9	Article 6
Article 10(1)(a), (b), (c),	Article 7
Article 10(1)(d)	--
Article 10(2)	Article 7
Article 10(3)	Article 8
Article 10(4)	--
Article 11(1), (2), (3), (4), (5), (7), (8)	--
Article 11(6)	Article 6(1)
Article 13(1), (2), (4), (5)	--
Article 13(3)	Article 6(2) and Article 10

Article 14	--
Article 15	--
Article 16	--
Article 17	Article 12
Article 18	Article 11
Article 19	Article 17
Article 20	Article 16
Article 21	Article 18
Article 22	Article 19
Annex I	Annex I
Annex II	--
Annex III	Annex II
Annex IV	Annex III
Annex V	--