



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.04.1999
COM(1999) 168 final

98/0064 (SYN)

Re-examined proposal for a

COUNCIL DIRECTIVE

**on a system of mandatory surveys for the safe operation of
regular ro-ro ferry and high speed passenger craft services**

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

During its 8 –12 March 1999 Plenary Session, the European Parliament adopted 3 amendments to the Council's common position of 21 December 1998 on the proposal for a Council Directive on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high speed passenger craft services. The amendments of the European Parliament are attached to this memorandum.

Pursuant to Article 189 c, section (d) of the EC Treaty, the Commission has re-examined its proposal and decided to accept amendment N° 3, but not the other two amendments for the following reasons:

- Amendment n° 1 related to article 4.1 (d) of the common position:

This amendment, which excludes any possibility to grant exemptions from performance standards for VDRs to be fitted on board existing vessels after a period of 5 years was already rejected in the first reading. To endorse this amendment would mean that in any case existing ferries and high speed craft should be equipped with VDRs that fully comply with all the technical specifications that are applicable for new ships after the proposed five-year period. In many cases that would also entail extensive re-cabling between the VDR and the equipment from which it has to retrieve the information. Recalling that the envisaged objective of fitting vessels with VDRs is to enable the collection of information for the purpose of an accident investigation, the costs associated with this re-engineering work might greatly exceed the purchase cost of the VDR and this would not be justified or proportionate. In addition, this would penalise companies, which have already voluntarily installed VDRs on board their vessels.

- Amendment 2 related to article 13 (3) of the common position:

Referring to the data base containing the information on the surveys of ro-ro vessels and high speed passenger craft which will be set up by the Commission, this amendment aims at making relevant information automatically public. This amendment repeats a concern already expressed during the first reading, but one which the Commission could not share. When setting up a database accessible to third parties particular aspects such as the reliability, the security and the possibility of commercial abuse have to be carefully considered. This prompted the Commission to propose that it would decide the conditions of access to the database through the ad hoc comitology procedure. Underlining that the database should first of all be considered as a monitoring tool for enforcing the implementation of the Directive, the Commission agrees with the principle that any relevant information on matters relating to the safety of passengers should be disseminated as widely as possible. To this end both the procedure foreseen in the Directive and the on-going initiatives developed in the context of the Quality Shipping Campaign to greatly improve transparency of information about safety performance of shipping in general, will provide the most appropriate means to put this principle in a concrete form.

- Amendment 3 related to annex III(1), 15th indent of the common position:

The Parliament correctly pointed out that to only impose to check the presence and the number of lifeboats and rescue boats is not entirely in line with the corresponding requirements of the SOLAS Convention, which also stipulates the checking of the condition of these boats and their equipment. Since the proposed amendment clarifies, in line with the requirements of the SOLAS Convention, the exact scope and extent of inspections for life saving appliances and equipment, the Commission decided to accept the Parliament's amendment.

Annex 1 : Re-examined proposal

Annex 2 : Amendment adopted by the Parliament but not accepted by the Commission.

Annex 1

**Re-examined proposal for a
Council Directive
on a system of mandatory surveys for the safe operation of
regular ro-ro ferry and high speed passenger craft services**

---Common position---

---Re-examined proposal---

Annex III (1), 15th indent

1. The specific surveys are to ensure that statutory requirements, in particular those 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 and are for that purpose, and where applicable at least to include:

- the checking that all lifeboats and rescue boats correspond to the inventory;

1. The specific surveys are to ensure that statutory requirements, in particular those 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 and are for that purpose, and where applicable at least to include:

- an inspection of the life-saving appliances, including lifeboat and rescue boat equipment, to ensure that they are complete and in good order;

Annex 2

Amendments adopted by the European parliament but not accepted by the Commission

---Common position---

---Amendment adopted by
the European Parliament---

(Amendment 1)

Article 4.1 (d)

(d) are fitted with a voyage data recorder (VDR) for the purpose of providing information for the benefit of a possible casualty investigation. The VDR shall meet the performance standards of IMO Assembly Resolution A.861(20) of 27 November 1997 and comply with the testing standards laid down on International Electrotechnical Commission (IEC) standard No 61996. However, for VDRs to be placed on board ro-ro ferries or high-speed passenger craft built before the entry into force of this Directive, exemptions for compliance with some of the requirements may be granted. These exemptions and the conditions under which they can be granted shall be adopted in accordance with the procedure laid down in Article 16.

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(Amendment 2)

Article 13(3)

3. Each Member State shall provide to the Commission copies of the survey reports referred to in Article 11(6), with the IMO identification number where applicable. The Commission may, in accordance with the procedure laid down in Article 16, decide to appropriate means for allocating an identification number to other vessels. If two or more host States are involved in the regular service, the data may be provided by one of these host States. The Commission shall set up and maintain a database containing the information provided. Conditions of access to the database shall be decided in accordance with the procedure laid down in Article 16.

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