



2016/0170(COD)

14.3.2017

AMENDMENTS

16 - 60

Draft report

Daniela Aiuto

(PE594.091v01-00)

Safety rules and standards for passenger ships

Proposal for a directive

(COM(2016)0369 – C8-0208/2016 – 2016/0170(COD))

Amendment 16
Inés Ayala Sender

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) *To maintain a high level of safety provided by common safety standards defined by Directive 2009/45/EC of the European Parliament and of the Council¹⁶ and to preserve level playing field, the application of that Directive should be improved. Directive 2009/45/EC should apply only to passenger ships and craft for which its safety standards have been designed. A number of specific ship types should be therefore excluded from its scope, such as tenders, sailing ships or ships transporting trained personnel engaged in business of the ship or offshore installations.*

¹⁶ *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).*

Amendment

(1) *Ship-carried tenders are used to ferry passengers from ships to shore and back only, and they should not be used for other types of services such as, for example, coastal sightseeing excursions and other similar activities, which should be undertaken by ships that meet the requirements for passenger ships of the coastal State, as provided for by inter alia the IMO guidelines (MSC.1/Circ.1417 on Guidelines for passenger ship tenders). The Commission should therefore assess the need for common European requirements, including mandatory provisions, for this category, and issue specific guidelines before 2020, also in order to facilitate the harmonisation of rules and standards between Member States.*

Or. es

Amendment 17
Lucy Anderson, István Ujhelyi, Miltiadis Kyrkos

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) To maintain a high level of safety provided by common safety standards defined by Directive 2009/45/EC of the

Amendment

(1) To maintain a high level of safety *and passenger confidence* provided by common safety standards defined by

European Parliament and of the Council¹⁶ and to preserve level playing field, the application of that Directive should be improved. Directive 2009/45/EC should apply only to passenger ships and craft for which its safety standards have been designed. A number of specific ship types should be therefore excluded from its scope, such as tenders, sailing ships or ships transporting trained personnel engaged in business of the ship or offshore installations.

¹⁶ 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).

Directive 2009/45/EC of the European Parliament and of the Council¹⁶ and to preserve level playing field, the application of that Directive should be improved. Directive 2009/45/EC should apply only to passenger ships and craft for which its safety standards have been designed. A number of specific ship types should be therefore excluded from its scope, such as tenders, sailing ships or ships transporting trained personnel engaged in business of the ship or offshore installations.

¹⁶ 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).

Or. en

Amendment 18 **Inés Ayala Sender**

Proposal for a directive **Recital 1 a (new)**

Text proposed by the Commission

Amendment

(1a) Directive 2009/45/EC of the European Parliament and of the Council excludes passenger ships that are not propelled by mechanical means from its scope. It is, however, necessary to clarify in that Directive that sailing ships should not be certified thereunder since their mechanical propulsion is only intended for auxiliary and emergency use. The Commission should therefore assess and issue common European requirements for this category, publishing specific guidelines by 2020. These guidelines should also facilitate the harmonisation of rules and standards used in Member States without adding subsequent requirements laid down in IMO rules.

Or. es

Amendment 19

Salvatore Domenico Pogliese, Salvatore Domenico Pogliese

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Ship-carried tenders are used to ferry passengers from passenger ships to shore and back, and they are not appropriate for other types of services such as coastal sightseeing excursions, which should be undertaken by ships that meet the requirements for passenger ships of the coastal State, as provided for by inter alia the IMO guidelines (MSC.1/Circ.1417 on Guidelines for passenger ship tenders). The Commission should therefore assess the need for common European requirements, including mandatory provisions, for vessels used for coastal sightseeing excursions, and issue specific guidelines before 2020, also in order to facilitate the harmonisation of rules and standards between Member States.

Or. en

Justification

Proposal to replace Amendment 1 of the draft report. The new wording is in line with the IMO Guidelines, which already cover tenders. Hence there is no need to single out tenders of particular types of ships, and the call for the Commission to draft guidelines should be clarified as being for “vessels used for coastal sightseeing excursions”.

Amendment 20

Renaud Muselier, Franck Proust, Tokia Saïfi, Alain Cadec

Proposal for a directive

Recital 2

Text proposed by the Commission

Amendment

(2) The Regulatory Fitness Programme (REFIT)¹⁷ has shown that

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not all Member States certify aluminium ships under Directive 2009/45/EC. This creates an uneven situation that undermines the objective of achieving a common, high safety level for passengers sailing domestically in the Union. To avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards, the definition of the equivalent material should be clarified.

¹⁷ COM(2015)508.

Or. fr

Justification

The stated objective of the REFIT programme is to simplify the rules and reduce the burden of EU legislation. By extending the scope of the directive to include all aluminium vessels, however, the Commission is increasing the burden on businesses. What is more, given that the accident rate as regards aluminium passenger ships is zero, this proposal to amend Directive 2009/45/EC brings no real benefits in terms of passenger ship safety.

Amendment 21 **Marie-Christine Arnautu**

Proposal for a directive **Recital 2**

Text proposed by the Commission

Amendment

(2) *The Regulatory Fitness Programme (REFIT)¹⁷ has shown that not all Member States certify aluminium ships under Directive 2009/45/EC. This creates an uneven situation that undermines the objective of achieving a common, high safety level for passengers sailing domestically in the Union. To avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards, the definition of the*

deleted

equivalent material should be clarified.

¹⁷ COM(2015)508.

Or. fr

Amendment 22

Christine Revault D'Allonnes Bonnefoy

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The Regulatory Fitness Programme (REFIT)¹⁷ has shown that not all Member States certify aluminium ships under Directive 2009/45/EC. *This creates an uneven situation that undermines the objective of achieving a common, high safety level for passengers sailing domestically in the Union. To avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards, the definition of the equivalent material should be clarified.*

¹⁷ COM(2015)508.

Amendment

(2) The Regulatory Fitness Programme (REFIT)¹⁷ has shown that not all Member States certify aluminium ships under Directive 2009/45/EC, *because the specific properties of aluminium mean that is not a material equivalent to steel. It has been noted that the national rules in place ensure a high level of safety for passengers sailing domestically, so applying this Directive to all aluminium vessels would be disproportionate and out of line with the aims of the REFIT programme, which are to simplify the rules and reduce the administrative burden on stakeholders in the shipping industry.*

¹⁷ COM(2015)0508.

Or. fr

Amendment 23

Dominique Riquet

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The Regulatory Fitness Programme (REFIT)¹⁷ has shown that not all Member

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Amendment

(2) The Regulatory Fitness Programme (REFIT)¹⁷ has shown that not all Member

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States certify aluminium ships under Directive 2009/45/EC. This creates an uneven situation that undermines the objective of achieving a common, high safety level for passengers sailing domestically in the Union. ***To avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards, the definition of the equivalent material should be clarified.***

¹⁷ COM(2015)508.

States certify aluminium ships under Directive 2009/45/EC. This creates an uneven situation that undermines the objective of achieving a common, high safety level for passengers sailing domestically in the Union. ***The mechanical and thermal properties of aluminium mean that it is not equivalent to steel, and cannot therefore be considered as an 'equivalent material'. There are therefore no objective or scientific grounds to include aluminium in this Directive. Swift action needs to be taken to carry out the studies necessary to bring forward coherent proposals. Until the findings of such studies are made known, national safety rules should apply.***

¹⁷ COM(2015)0508.

Or. fr

Amendment 24

Maria Grapini

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The Regulatory Fitness Programme (REFIT)¹⁷ has shown that not all Member States certify aluminium ships under Directive 2009/45/EC. This creates an uneven situation that undermines the objective of achieving a common, high safety level for passengers sailing domestically in the Union. To avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards, the definition of the equivalent material should be clarified.

Amendment

2. The Regulatory Fitness Programme (REFIT)¹⁷ has shown that not all Member States certify aluminium ships under Directive 2009/45/EC. This creates an uneven situation that undermines the objective of achieving a common, high safety level for passengers sailing domestically in the Union. To avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards, the definition ***and classification*** of the equivalent material should be clarified. ***For this purpose, aluminium should be regarded as equivalent to steel in all***

¹⁷ COM(2015)508.

¹⁷ COM(2015)508.

Or. ro

Amendment 25

Salvatore Domenico Pogliese, Massimiliano Salini

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The Regulatory Fitness Programme (REFIT)¹⁷ has shown that not all Member States certify aluminium ships under Directive 2009/45/EC. This creates an uneven situation that undermines the objective of achieving a common, high safety level for passengers sailing domestically in the Union. To avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards, the definition of the equivalent material should be clarified.

¹⁷ COM(2015)508.

Amendment

(2) The Regulatory Fitness Programme (REFIT)¹⁷ has shown that not all Member States certify aluminium ships under Directive 2009/45/EC. This creates an uneven situation that undermines the objective of achieving a common, high safety level for passengers sailing domestically in the Union. To avoid the non-uniform application arising from the interpretation of the Directive's scope related to the definition of aluminium as an equivalent material and the applicability of the corresponding fire safety standards, the definition of the equivalent material should be clarified. ***However, Member States should be allowed to keep their current stricter fire prevention methods.***

¹⁷ COM(2015)508.

Or. en

Amendment 26

Maria Grapini

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) In view of increasing legal clarity

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Amendment

3. In view of increasing legal clarity

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and consistency, a number of definitions and references should be updated and further aligned with the related international or Union rules. In doing so, special care should be taken not to alter the existing scope and level of safety provided by Directive 2009/45/EC. In particular, the definition of traditional ship should be better aligned with Directive 2002/59/EC of the European Parliament and of the Council¹⁸, while preserving the current criteria of the year of built and type of material. The definition of pleasure yacht and craft should be further aligned with the International Convention for the Safety of Life at Sea (SOLAS Convention).

and consistency, a number of definitions and references should be updated and further aligned with the related international or Union rules. In doing so, special care should be taken not to alter the existing scope and **to increase the** level of safety provided by Directive 2009/45/EC. In particular, the definition of traditional ship should be better aligned with Directive 2002/59/EC of the European Parliament and of the Council¹⁸, while preserving the current criteria of the year of built and type of material. The definition of pleasure yacht and craft should be further aligned with the International Convention for the Safety of Life at Sea (SOLAS Convention).

¹⁸ 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).

Or. ro

Amendment 27

Inés Ayala Sender

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) In view of the principle of proportionality, the current prescriptive requirements derived from the SOLAS Convention have proven difficult to adapt to small passenger vessels below 24 meters in length. Furthermore, small ships are primarily built in other materials than steel and only a very limited number of such ships have been therefore certified under Directive 2009/45/EC. In the absence of specific safety concerns and adequate standards provided by the Directive, ships bellow 24 meters in length should be

Amendment

(4) In view of the principle of proportionality, the current prescriptive requirements derived from the SOLAS Convention have proven difficult to adapt to small passenger vessels below 24 meters in length. Furthermore, small ships are primarily built in other materials than steel and only a very limited number of such ships have been therefore certified under Directive 2009/45/EC. In the absence of specific safety concerns and adequate standards provided by the Directive, ships bellow 24 meters in length should be

therefore excluded from its scope and should be subjected to specific safety standards determined by Member States that are better placed to assess the local limitations of navigation for these ships in terms of distance to coast or port and weather conditions.

therefore excluded from its scope and should be subjected to specific safety standards determined by Member States that are better placed to assess the local limitations of navigation for these ships in terms of distance to coast or port and weather conditions. *In determining those standards, Member States should act in accordance with guidelines to be published by the Commission, and taking into consideration IMO international conventions, and should avoid introducing requirements subsequent to international rules. The Commission should expedite the development of guidelines for these vessels, as provided for by the Commission Work Programme 2017.*

Or. es

Amendment 28
Miltiadis Kyrkos, Elissavet Vozemberg-Vrionidi

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) Due to the specific geographical and weather characteristics and the high number of islands that need to be served regularly and frequently in Greece, both from the mainland or from other Greek islands, and the ensuing high number of possible maritime connections, Greece should be allowed to derogate from the requirement of establishing sea areas. Instead, Greece should be allowed to classify passenger ships according to the specific sea route in which they operate, while maintaining the same criteria for classes of passenger ships and the same safety standards.

Or. en

Amendment 29
Maria Grapini

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) To increase the transparency and to facilitate the notification of exemptions, equivalencies and additional safety measures by Member States, a database should be established and maintained for this purpose by the Commission. It should include the notified measures in their draft and adopted form.

Amendment

7. To increase the transparency and to facilitate the notification of exemptions, equivalencies and additional safety measures by Member States, a database should be established and maintained for this purpose by the Commission ***in cooperation with the Member States***. It should include the notified measures in their draft and adopted form.

Or. ro

Amendment 30
Marie-Christine Arnautu

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) In view of the full monitoring cycle of European Maritime Safety Agency visits, the Commission should evaluate the implementation of Directive 2009/45/EC no later than [***seven*** years after the date referred to in the second subparagraph of Article 2(1)] and report to the European Parliament and the Council thereon. Member States should cooperate with the Commission to gather all information necessary for this evaluation.

Amendment

(11) In view of the full monitoring cycle of European Maritime Safety Agency visits, the Commission should evaluate the implementation of Directive 2009/45/EC no later than [***five*** years after the date referred to in the second subparagraph of Article 2(1)] and report to the European Parliament and the Council thereon. Member States should cooperate with the Commission to gather all information necessary for this evaluation.

Or. fr

Amendment 31
Keith Taylor

Proposal for a directive
Recital 11 a (new)

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Text proposed by the Commission

Amendment

(11 a) The Commission should propose stronger safety and relevant social standards for the workers on ships operating on the territories of Member States, including adequate education for cross-border rescuing and emergency actions.

Or. en

Amendment 32

Salvatore Domenico Pogliese, Massimiliano Salini

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) In order to facilitate the implementation and transposition processes, the role of EMSA and the use of the existing Passenger Ship Safety Expert Group (PSS EG) to the Maritime Safety Group should be supported.

Or. en

Amendment 33

Stelios Kouloglou

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point d a (new)

Directive 2009/45/EC

Article 2 – point q – subparagraph 1

Present text

Amendment

"'sea area' means an area as established pursuant to Article 4(2);"

(d a) point (q) first subparagraph is replaced by the following:

"sea area or sea route means an area or - when, for geographical reasons, it is not possible to establish a sea area - a route, as established pursuant to Article 4(2);"

(This amendment applies throughout the text)

Or. en

(http://www.dst.ep.parl.union.eu/dst/verificator.html?amBatchUBI=eu.europa.europarl-DINI-2017-0000031067_01.01-xm-01.00_text-xml#stv!lCnt=1&langISO0=en&crCnt=1&crID0=130833&diffType=isWordBased)

Justification

Due to the geographical specificities of Greece

Amendment 34
Maria Grapini

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point i
Directive 2009/45/EC
Article 2 – point y

Text proposed by the Commission

(y) ‘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;

Amendment

(y) ‘persons with reduced mobility’ means anyone who has a particular difficulty when using public transport, including elderly persons, disabled persons ***and those accompanying them***, persons with sensory impairments and wheelchair users, pregnant women and persons accompanying small children;

Or. ro

Amendment 35
Renaud Muselier, Franck Proust, Tokia Saïfi, Alain Cadec

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point j
Directive 2009/45/EC
Article 2 – point z a

Text proposed by the Commission

(za) ***‘equivalent material’ means aluminium alloy or any other non-combustible material, which maintains***

Amendment

deleted

structural and integrity properties equivalent to steel at the end of the applicable exposure to the standard fire test due to the insulation provided;

Or. fr

Justification

A distinction needs to be made between large and small ships. Aluminium vessels, just like those made of wood, plastic or composite materials, cannot be considered to be equivalent to steel vessels. Furthermore, the International Convention for the Safety of Life at Sea applies to large vessels only, and not to those used for domestic shipping.

Amendment 36

Christine Revault D'Allonnes Bonnefoy

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point j

Directive 2009/45/EC

Article 2 – point z a

Text proposed by the Commission

Amendment

(za) ‘equivalent material’ means aluminium alloy or any other non-combustible material, which maintains structural and integrity properties equivalent to steel at the end of the applicable exposure to the standard fire test due to the insulation provided;

deleted

Or. fr

Amendment 37

Marie-Christine Arnautu

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point j

Directive 2009/45/EC

Article 2 – point z a

Text proposed by the Commission

Amendment

(za) ‘equivalent material’ means aluminium alloy or any other non-combustible material, which maintains

deleted

structural and integrity properties equivalent to steel at the end of the applicable exposure to the standard fire test due to the insulation provided;

Or. fr

Amendment 38
Dominique Riquet

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point j
Directive 2009/45/EC
Article 2 – point z a

Text proposed by the Commission

(za) ‘equivalent material’ means **aluminium alloy or any other** non-combustible material, which maintains structural and integrity properties equivalent to steel at the end of the applicable exposure to the standard fire test due to the insulation provided;

Amendment

(za) ‘equivalent material’ means **any** non-combustible material which maintains structural and integrity properties equivalent to steel at the end of the applicable exposure to the standard fire test due to the insulation provided;

Or. fr

Amendment 39
Peter van Dalen

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point j
Directive 2009/45/EC
Article 2 – point z c

Text proposed by the Commission

(zc) ‘traditional **ship**’ means **any kind** of historical **passenger ship designed before 1965** and their replicas **built predominantly with the original materials**, including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique;

Amendment

(zc) ‘traditional **ships**’ means **all kinds** of historical **ships** and their replicas including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique;

Justification

For the sake of consistence and legal certainty the definition of traditional ships in this directive should be the same as that in Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system. This mirroring of definitions is not the case yet, despite the fact that the Commission in its Explanatory Memorandum says it wants to align the definitions (p. 7).

Amendment 40
Peter Lundgren

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point j

Directive 2009/45/EC

Article 2 – point z c

Text proposed by the Commission

(zc) ‘traditional ship’ means *any kind* of historical *passenger ship designed before 1965* and their replicas *built predominantly with the original materials*, including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique;

Amendment

(zc) ‘traditional ship’ means *all kinds* of historical *ships* and their replicas including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique;

Or. en

Amendment 41
Lucy Anderson, István Ujhelyi

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point j

Directive 2009/45/EC

Article 2 – point z d

Text proposed by the Commission

(zd) ‘pleasure yacht/craft’ means a vessel carrying no cargo and not more than 12 passengers *not engaged in trade*, regardless of the means of propulsion;

Amendment

(zd) ‘pleasure yacht/craft’ means a vessel carrying no cargo and not more than 12 passengers *for commercial purposes*, regardless of the means of propulsion;

(This amendment applies throughout the text)

Or. en

Amendment 42

Salvatore Domenico Pogliese, Massimiliano Salini

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point j

Directive 2009/45/EC

Article 2 – point ze

Text proposed by the Commission

(ze) ‘tender’ means a ship-carried boat used for transferring more than 12 passengers from a stationary passenger ship to shore and back;

Amendment

(ze) ‘tender’ means a ship-carried boat used for transferring more than 12 passengers from a stationary passenger ship to shore and back, ***within the meaning of the IMO Guidelines MSC.1/Circ.1417***;

Or. en

Justification

There is no need to make the definition more explicit, as the IMO Guidelines exclude already sightseeing boats from the definition of ‘tenders’.

Amendment 43

Lucy Anderson, István Ujhelyi

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2009/45/EC

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) ***new*** and existing passenger ships of 24 meters in length and above;

Amendment

(a) ***all new ships*** and existing passenger ships of 24 meters in length and above;

(This amendment applies thorough out the text)

Or. en

Justification

As the EESC points out in its opinion, if 96% of the fleet of smaller ships are not covered by the directive as they are built from materials other than steel or equivalents or are ships operating exclusively in port areas etc., then exempting vessels below 24 meters is of no benefit to these ships. However, what about the other 4%? If harmonised rules are not suitable for certain ships below 24 meters, then Member States are already free to allow exemptions under Article 9 of the directive. However, if the proposal excludes all small ships measuring up to 24 meters in length, there will be some existing ships that will no longer be covered by the directive as they used to.

Amendment 44

Renaud Muselier, Franck Proust, Tokia Saïfi, Alain Cadec

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2009/45/EC

Article 3 – paragraph 2 – point (a) – point (ii) a (new)

Text proposed by the Commission

Amendment

(iiiia) vessels made of aluminium alloy;

Or. fr

Justification

Where small aluminium vessels used for domestic shipping are concerned, the rules that are being proposed would be difficult to implement from a technical point of view, and would not bring any additional guarantees as regards safety.

Amendment 45

Christine Revault D'Allonnes Bonnefoy

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2009/45/EC

Article 3 – paragraph 2 – point (a) – point (ii) a (new)

Text proposed by the Commission

Amendment

(iva) vessels made of an alloy containing aluminium;

Or. fr

Amendment 46
Stelios Kouloglou

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2009/45/EC

Article 4 – paragraph 1 – table – lines 3 and 4

Text proposed by the Commission

"1. Passenger ships are divided into the following classes according to the sea area in which they operate:

Amendment

"1. Passenger ships are divided into the following classes according to the sea area in which they operate:

"Class C means a passenger ship engaged on domestic voyages in sea areas or sea routes where the probability of exceeding 2,5 metres significant wave height is smaller than 10 % over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period (e.g. summer period operation), in the course of which it is at no time more than five miles from the line of coast, corresponding to the medium tide height.

"Class D means a passenger ship engaged on domestic voyages in sea areas or sea routes where the probability of exceeding 1,5 metres significant wave height is smaller than 10 % over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period (e.g. summer period operation), in the course of which it is at no time more than three miles from the line of coast, corresponding to the medium tide height.

((the words " or sea routes " are added in the table lines 3 and 4))

Or. en

Justification

Due to the geographical specificities of Greece.

Amendment 47
Stelios Kouloglou

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Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b

Directive 2009/45/EC

Article 4 – paragraph 2 – point a – subparagraph 1 a (new)

Text proposed by the Commission

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

Amendment

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

Where, for geographical reasons, it is not possible to establish a list of sea areas, a list of sea routes, covering all routes within a Member State, shall be established using the criteria for classes set out in paragraph 1.

Or. en

Justification

Due to the geographical specificities of Greece.

Amendment 48

Miltiadis Kyrkos, Elissavet Vozemberg-Vrionidi

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b a (new)

Directive 2009/45/EC

Article 4 – paragraph 2 – point a – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(b a) By way of derogation, Greece may establish, and, when necessary, update, a list of sea routes instead of establishing, or updating, a list of sea areas. In doing so, Greece shall use the corresponding criteria for categories set out in paragraph 1.

Or. en

Amendment 49

Salvatore Domenico Pogliese, Massimiliano Salini

Proposal for a directive

Article 1 – paragraph 1 – point 4 – point b

Directive 2009/45/EC

Article 5 – paragraph 3

Text proposed by the Commission

3. A port State may inspect a passenger ship or a high-speed passenger craft, when engaged on domestic voyages, and audit its documentation, in accordance with the provisions of Directive 2009/16/EC of the European Parliament and of the Council*.

Amendment

3. A port State may inspect a passenger ship, **a ro-ro ferry** or a high-speed passenger craft, when engaged on domestic voyages, and audit its documentation, in accordance with the provisions of Directive 2009/16/EC of the European Parliament and of the Council*.

Or. en

Justification

Regarding inspection this amendment aims to make a reference also to the ro-ro ferries.

Amendment 50

Renaud Muselier, Franck Proust, Tokia Saïfi, Alain Cadec

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point e – introductory part

Text proposed by the Commission

(e) the following **paragraphs 5 and 6 are** added:

Amendment

(e) the following **paragraph 5 is** added:

Or. fr

Amendment 51

Christine Revault D'Allonnes Bonnefoy

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point e – introductory part

Text proposed by the Commission

(e) the following **paragraphs 5 and 6**
PE601.014v01-00

Amendment

(e) the following **paragraph 5 is**

22/28

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are added:

added:

Or. fr

Amendment 52

Christine Revault D'Allonnes Bonnefoy

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point e

Directive 2009/45/EC

Article 6 – paragraph 6

Text proposed by the Commission

Amendment

6. Ships built in an equivalent material before the entry into force of this Directive shall comply with its requirements by [5 years after the date referred to in the second subparagraph of Article 2(1)]; *deleted*

Or. fr

Amendment 53

Renaud Muselier, Franck Proust, Tokia Saïfi, Alain Cadec

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point e

Directive 2009/45/EC

Article 6 – paragraph 6

Text proposed by the Commission

Amendment

6. Ships built in an equivalent material before the entry into force of this Directive shall comply with its requirements by [5 years after the date referred to in the second subparagraph of Article 2(1)]; *deleted*

Or. fr

Justification

A change in the rules could have major technical and financial implications for stakeholders in the aluminium shipbuilding industry. At present, making it mandatory to carry out modifications to existing aluminium vessels is not an option, as there is a risk that ship

owners and shipbuilders might not only be forced to sell existing boats to countries outside the EU, but also perceive the raison d'être of their businesses to be under threat.

Amendment 54

Karima Delli, Keith Taylor

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point e

Directive 2009/45/EC

Article 6 – paragraph 6

Text proposed by the Commission

6. Ships built in an equivalent material before ***the entry into force of this Directive*** shall comply with its requirements by [5 years after the date referred to in the second subparagraph of Article 2(1)].;

Amendment

6. Ships built in an equivalent material before [***the transposition date referred to in the second subparagraph of Article 2(1)***] shall comply with its requirements by [***insert the date five*** years after the date referred to in the second subparagraph of Article 2(1)].;

Or. en

Amendment 55

Karima Delli, Keith Taylor

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point e a (new)

Directive 2009/45/EC

Article 6 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. By way of derogation from paragraph 6, a Member State that has more than 60 passenger ships made from aluminium alloy flying its flag on [date of entry into force] may exempt, until [insert the date 14 years after the transposition date referred to in the second subparagraph of Article 2(1)] passenger ships of Classes B, C and D which are made from aluminium alloy from the provisions of this Directive, provided there is no reduction in the level of safety and any exempted passenger ship was built before [transposition date referred to in

*the second subparagraph of Article 2(1)]
and operates exclusively between ports of
that Member State.*

Or. en

Justification

In a number of Member States ships made from aluminium alloy ensure a significant number of domestic connections between different ports. Member States with an important fleet of aluminium ships already in service should be given sufficient time to phase-in the requirements of this Directive and ensure that these requirements can be achieved. During the phase-in, industry Member States and Commission should clarify pending issues regarding technical standards for aluminium ships.

Amendment 56
Marie-Christine Arnautu

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2009/45/EC
Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 9(4), 10(3) and 10(4) shall be conferred on the Commission for ***an indeterminate period of time*** from [the date of entry into force].

Amendment

2. The power to adopt delegated acts referred to in Articles 9(4), 10(3) and 10(4) shall be conferred on the Commission for ***five years*** from [the date of entry into force].

Or. fr

Amendment 57
Marie-Christine Arnautu

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2009/45/EC
Article 10 a – paragraph 7

Text proposed by the Commission

7. A delegated act excluding from the scope of this Directive any amendment to the international instruments in accordance with Article 10(4) shall be adopted at least

Amendment

7. A delegated act excluding from the scope of this Directive any amendment to the international instruments in accordance with Article 10(4) shall be adopted at least

three months before the expiration of the period established internationally for the tacit acceptance of the amendment concerned or the envisaged date for the entry into force of said amendment. In the period preceding the entry into force of such delegated act, Member States *shall* refrain from any initiative intended to integrate the amendment in national legislation or to apply the amendment to the international instrument concerned.;

three months before the expiration of the period established internationally for the tacit acceptance of the amendment concerned or the envisaged date for the entry into force of said amendment. In the period preceding the entry into force of such delegated act, Member States *are asked to* refrain from any initiative intended to integrate the amendment in national legislation or to apply the amendment to the international instrument concerned.;

Or. fr

Amendment 58
Jacqueline Foster

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2009/45/EC
Article 14

Text proposed by the Commission

Amendment

(14) Article 14 is replaced by the following:

deleted

‘Article 14 1974 SOLAS Convention regulations

1. With regard to passenger ships engaged on international voyages the Union shall submit proposals to the IMO to expedite the ongoing work within the IMO to revise the regulations of the 1974 SOLAS Convention, in its up-to-date version, containing issues left to the discretion of the Administration, to establish harmonised interpretations for those regulations and to adopt amendments to the latter accordingly.

2. The proposals referred to in paragraph 1 shall be made to the IMO on the basis of the harmonised regulations laid down in Annex I.;

Or. en

Justification

Whilst the current Directive requires the EU to submit requests to the IMO to expedite ongoing work to revise the 1974 SOLAS Convention for chapters II-1, II-2 and III, the EU should not have exclusive competence over the remainder of SOLAS, as proposed by the Commission. The newly proposed Article 14 is not necessary as the intent of advancing passenger ship safety within the specific stated areas of SOLAS has now been fulfilled at the IMO.

Amendment 59

Lucy Anderson, István Ujhelyi

Proposal for a directive

Article 1 – paragraph 1 – point 14 a (new)

Directive 2009/45/EC

Article 15

Text proposed by the Commission

Amendment

(14 a) Article 15 is amended as follows:

'Article 15 - Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

In particular, the penalties shall have regard to the seriousness, the duration and intentional character of the infringement, and be increased if aggravating factors are applicable. In addition, the penalties shall be increased if the relevant infringing party has previously committed a similar infringement.'

((the second subparagraph is added to Article 15))

Or. en

Amendment 60

Marie-Christine Arnautu

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2009/45/EC
Article 16 a

Text proposed by the Commission

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council no later than [*seven* years after the date referred to in the second subparagraph of Article 2(1)].;

Amendment

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council no later than [*five* years after the date referred to in the second subparagraph of Article 2(1)].;

Or. fr