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*****I**

REPORT

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))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Carlos Ripoll i Martínez Bedoya

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 25 March 2002 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 80(2) of the EC Treaty, 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 – 2002/0075 (COD)).

At the sitting of 8 April 2002 the President of Parliament announced that he had referred this proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on Legal Affairs and the Internal Market for its opinion (C5-0145/2002).

The Committee on Regional Policy, Transport and Tourism appointed Carlos Ripoll i Martínez Bedoya rapporteur at its meeting of 18 April 2002.

It considered the Commission proposal and draft report at its meetings of 10 July 2002 and 8 October 2002.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Luciano Caveri, chairman; Rijk van Dam, Gilles Savary and Helmuth Markov, vice-chairmen; Konstantinos Hatzidakis (for Carlos Ripoll i Martínez Bedoya, rapporteur); Sylviane H. Ainardi, Emmanouil Bakopoulos, Carlos Bautista Ojeda (for Camilo Nogueira Román), Rolf Berend, Luigi Cocilovo, Den Dover (for Philip Charles Bradbourn), Garrelt Duin, Alain Esclopé, Giovanni Claudio Fava, Mathieu J.H. Grosch, Catherine Guy-Quint (for John Hume), Ewa Hedkvist Petersen, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Elisabeth Jeggle (for Karla M.H. Peijs), Karsten Knolle (for Felipe Camisón Asensio), Dieter-Lebrecht Koch, Giorgio Lisi, Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Jan Mulder (for Isidoro Sánchez García, pursuant to Rule 153(2)), Francesco Musotto, James Nicholson, Josu Ortuondo Larrea, Wilhelm Ernst Piecyk, Samuli Pohjamo, Bernard Poignant, Alonso José Puerta, Ingo Schmitt, Elisabeth Schroedter (for Nelly Maes), Brian Simpson, Dirk Sterckx, Ulrich Stockmann, Margie Sudre, Hannes Swoboda (for Danielle Darras), Joaquim Vairinhos, Herman Vermeer, Dominique Vlasto (for Sérgio Marques), Christian Ulrik von Boetticher (for Renate Sommer), Mark Francis Watts and Brigitte Wenzel-Perillo (for Ari Vatanen).

The Committee on Legal Affairs and the Internal Market decided on 16 April 2002 not to deliver an opinion.

The report was tabled on 9 October 2002.

DRAFT LEGISLATIVE RESOLUTION

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) 158¹),
 - 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.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 RECITAL 4a (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 to the affected part of the industry to comply: to that end, a phasing-in timetable for existing ships should be provided. This phasing-in timetable should not affect the enforcement of the specific stability requirements by States party to the

¹ OJ not yet published.

Stockholm Agreement.

Justification

This recital refers to the new article 6a, paragraph 2, which introduces a timetable for the compliance of existing ships and demonstrates the need for such a timetable. The last sentence is very important since such a timetable should not affect the current application of the Stockholm Agreement in the North of Europe. In fact all ro-ro ships trading in the area covered by the Stockholm Agreement have to comply already with the specific stability requirement introduced by this Directive. It is therefore logical that the time-table provided by the Directive will affect only the ships trading in the Southern European waters.

Amendment 2

ARTICLE 1, POINT 1

Article 2, sub-paragraph ea) (new) (Directive 98/18/EC)

1) In Article 2 the following point is added:

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 11-2/A/2 contained in Annex;

Justification

Clarifies the definition of a "ro-ro passenger ship".

Amendment 3

ARTICLE 1, POINT 1

Article 2, sub-paragraph ha) (new) (Directive 98/18/EC)

In Article 2 the following point is added:

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

Justification

Provides a common verifiable definition of age.

Amendment 4
ARTICLE 1, POINT 1 (w)
Article 2, sub-paragraph (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 luggage, elderly people,*** pregnant women, ***people with shopping trolleys, and people with*** children ***(including children seated in push chairs).***"

"(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."

Justification

The definition of passengers with reduced mobility proposed by the Commission is too wide and those passengers most in need of assistance are those described in the amendment.

Amendment 5
ARTICLE 1, POINT 2, (a)
Article 4, paragraph 2 (Directive 98/18/EC)

"2. Each Member State shall:

(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;

"2. Each Member State shall:

(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;

Justification

It will only be necessary to update these lists of sea areas when changes occur.

Amendment 6
ARTICLE 1, POINT 3, paragraph 1
Article 6a (new), 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*** in Directive [yyyy/xx/EC] ***on specific stability requirements for ro-ro passenger ships***.

Justification

Provides a more direct reference to the relevant articles of the Directive concerned.

Amendment 7
ARTICLE 1, POINT 3, paragraph 2
Article 6a (new), 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*** in Directive [yyyy/xx/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***.

Justification

See justification for Amendment 6 and provides a more realistic date.

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.

deleted

Justification

This area should be governed by subsidiarity. Each Member State ought to require safety standards equivalent to existing agreements.

Amendment 9

ARTICLE 1, POINT 3, paragraph 1

Article 6b (new), 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.

Justification

Clarifies that this measure applies to public transport.

Amendment 10

ARTICLE 1, POINT 3, paragraph 3

Article 6b (new), 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

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

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.

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.***

Justification

Clarifies that the measure applies to public transport and provides implementation dates related to the date of adoption of the legislation.

Amendment 11

ARTICLE 1, POINT 3, paragraph 4

Article 6b (new), 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.***"

Justification

See justification for Amendment 10.

Amendment 12

ARTICLE 3, FIRST PARAGRAPH

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.***

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive ***18 months from its entry into***

They shall forthwith inform the Commission thereof.

force. They shall forthwith inform the Commission thereof.

Justification

Provides an implementation date related to the date of adoption of the legislation.

Amendment 13

ARTICLE 1, POINT 5

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

In applying the guidelines of Annex III, 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".

Justification

Clarifies the relationship with IMO provisions.

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.

Justification

It is essential that persons with reduced mobility have access between decks inside the vessel. It is totally insufficient to provide access to embarkation and disembarkation without ensuring also

equality of access for persons with reduced mobility inside the vessel.

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.

Justification

Persons with sensory disabilities are particularly affected by poorly designed signage on vessels so it is important to give them specific mention in relation to Annex III point 2.

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.

Justification

It is totally insufficient for only the alarm buttons to be accessible. The whole alarm system should be accessible and alert all passengers in particular passengers with sensory disabilities such as deaf and hard-of-hearing passengers.

EXPLANATORY STATEMENT

Introduction

The Commission has submitted two draft directives both concerning the maritime safety of ships, more particularly, ro-ro passenger ships. The first draft directive (COM(2002) 158 – 2002/0074(COD)) seeks to introduce new specific stability requirements for ro-ro passenger ships. In short, it is proposed that the standards required for international voyages should be those laid down in the Stockholm agreement already accepted by seven Member States (Denmark, Finland, Germany, Ireland, Netherlands, Sweden and the UK). These standards are higher than those in the Solas 90 Convention. The argument put forward by the Commission is based on the fact that the significant wave height in South European waters is comparable to that in the Baltic Sea. My colleague, Mr Poignant, is your rapporteur on this draft directive.

The second draft directive (COM(2002) 158 – 2002/0075(COD)), for which I am rapporteur, amends Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships. In practice, the new draft directive will require the same stability standards for vessels navigating in European national waters as those proposed by the draft directive on the stability requirements for ro-ro passenger ships on international voyages according to their age and the sea areas in which they operate.

Content of draft directive amending Directive 98/18/EC

In short, this draft directive proposes the following:

Stability of vessels

- all ro-ro passenger ships built after 1 October 2004 and operating in domestic waters where the significant wave height exceeds 2.5 metres must comply with the Stockholm standards for stability (A, B and C class vessels);
- ro-ro passenger ships built before 1 October 2004, including those operating less than 20 nautical miles from the coast, must comply with the Stockholm standards for stability (A and B class vessels) by 1 October 2010 unless they are phased out at a later date on which they reach the age of 30 years but in any case not later than 1 January 2015;
- ro-ro passenger ships built before 1 October 2004 operating less than 15 nautical miles from the coast where the significant wave height does not exceed 2.5 metres (C and D class vessels) must comply with the stability standards of the existing directive if the vessel is damaged by no later than 1 January 2015 or, if earlier, before they reach the age of 30 years.

Persons with reduced mobility

- the Member States must take appropriate measures to enable persons with reduced mobility to have safe access to all new passenger ships (built after 1 October 2004);

Code of safety for high-speed craft

- the Member States must apply the 2000 HSC code of the IMO to high-speed craft as is already the case with the previous 1994 HSC code. The amendment to Directive 98/18/EC will allow the committee procedure to be used to ensure that the code applicable in the EU to high-speed craft reflects the most recent IMO rules in this area;

Publication procedure for sea areas

- the system for publishing sea areas, which depends on the quality of information received from the Member States, is to be amended by the publication of lists of sea areas on a public database that can be consulted on an Internet site. The amendment to Directive 98/18/EC clarifies the responsibility of the Member States for updating this information and notifying the Commission.

Abolition of the derogation granted to Greek passenger ships

- this derogation to be abolished as from 1 January 2005.

Comments of the rapporteur

Your rapporteur broadly supports the Commission proposals on the stability of ro-ro passenger ships operating in domestic waters in Europe. Nevertheless, he does not believe that these provisions are appropriate for vessels operating where the significant wave height does not exceed 1.5 metres within a distance of less than three nautical miles from the coast (D class). He would like to hear the Commission on this point and on the need to apply the proposed rules to class C vessels (wave height of less than 2.5 metres and not more than five nautical miles from the coast). He reserves the right to put down amendments in this area after hearing the Commission.

He welcomes the measures to improve access for passengers with reduced mobility but feels that the definition proposed by the Commission for these passengers is far too wide when it includes, for example, 'people with shopping trolleys'. Your rapporteur is proposing an amendment providing a better definition of persons with reduced mobility.

Conclusion

Your rapporteur awaits the Council's first reading with interest but hopes that an agreement between the institutions will allow rapid implementation of this draft directive.