



Plenary sitting

A9-0255/2022

21.10.2022

*****I**

REPORT

on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/25/EC as regards the inclusion of improved stability requirements and its alignment with stability requirements defined by the International Maritime Organisation
(COM(2022)0053) – C9-0047/2022 – 2022/0036(COD))

Committee on Transport and Tourism

Rapporteur: Roberts Zīle

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Directive of the European Parliament and of the Council amending Directive 2003/25/EC as regards the inclusion of improved stability requirements and its alignment with stability requirements defined by the International Maritime Organisation

(COM(2022)0053) – C9-0047/2022 – 2022/0036(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0053),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0047/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 18 May 2022¹
 - having regard to the opinion of the Committee of the Regions of...²
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A9-0255/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive
Recital 7 a (new)

¹ OJ C 323, 26.8.2022, p. 119.

² Not yet published in the Official Journal.

Text proposed by the Commission

Amendment

(7a) European Maritime Safety Agency (EMSA) should assess the requirements laid down by this Directive in line with Regulation (EC) No 1406/2002 of the European Parliament and of the Council^{1a}.

^{1a} Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point c

Directive 2003/25/EC

Article 2 – paragraph 1 – point ea

Text proposed by the Commission

Amendment

(ea) ‘SOLAS 90’ means the 1974 International Convention for the Safety of Life at Seas, as amended by ***the following IMO instruments:***

- ***Res.MSC.1(45);***
- ***Res.MSC.6(48);***
- ***Res.MSC.11(55);***
- ***Res.MSC.13(57);***
- ***Res.MSC.19(58);***
- ***Res.MSC.26(60);***
- ***Res.MSC.24(60);***
- ***Res.MSC.27(61);***
- ***Res.MSC.31(63);***
- ***SOLAS/CONF.2/21;***
- ***Res.MSC.42(64);***
- ***Res.MSC.46(65);***

(ea) ‘SOLAS 90’ means the 1974 International Convention for the Safety of Life at Seas, as ***last*** amended by ***Resolution MSC.117(74);***

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—	<i>Res.MSC.57(67);</i>	<i>deleted</i>
—	<i>Res.MSC.65(68);</i>	<i>deleted</i>
—	<i>SOLAS/CONF.4/25;</i>	<i>deleted</i>
—	<i>Res.MSC.69(69);</i>	<i>deleted</i>
—	<i>Res.MSC.99(73);</i>	<i>deleted</i>
—	<i>Res.MSC.117(74);</i>	<i>deleted</i>

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point c

Directive 2003/25/EC

Article 2 – paragraph 1 – point eb

Text proposed by the Commission

(eb) ‘SOLAS 2009’ means the 1974 International Convention for the Safety of Life at Seas as amended by Resolution MSC.216(82);

Amendment

(eb) ‘SOLAS 2009’ means the 1974 International Convention for the Safety of Life at Seas as ***last*** amended by Resolution MSC.216(82);

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point c

Directive 2003/25/EC

Article 2 – paragraph 1 – point ec

Text proposed by the Commission

(ec) ‘SOLAS 2020’ means the 1974 International Convention for the Safety of Life at Seas as amended by Resolution MSC.421(98);;

Amendment

(ec) ‘SOLAS 2020’ means the 1974 International Convention for the Safety of Life at Seas as ***last*** amended by Resolution MSC.421(98);

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point g

Directive 2003/25/EC

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

Text proposed by the Commission

Amendment

(na) ‘company’ means the owner of a passenger ship or any other organisation or person, such as the manager or the bareboat charterer, who has assumed responsibility for operating the passenger ship from the owner.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Directive 2003/25/EC Article 13 b (new)

Text proposed by the Commission

Amendment

(9a) The following Article is inserted:

‘Article 13b

Derogation

Member States which do not have seaports and which have no ro-ro passenger ships or craft flying their flag that fall within the scope of this Directive may derogate from the provisions of this Directive, as long as the above-mentioned requirements are fulfilled. Any Member State that intends to avail itself of such derogation shall notify the Commission at the latest on [Please insert a date: date of transposition of the Directive]. Any subsequent change shall also be communicated to the Commission. Such a Member State may not allow ro-ro passenger ships that fall within the scope of the Directive to fly its flag or may not open its national ship register to that ship until that ship has transposed and implemented this Directive.’

EXPLANATORY STATEMENT

The Directive 2003/25/EC of the European Parliament and of the Council establishes a uniform level of specific ability requirements for ro-ro passenger ships improving the survivability of this type of vessel in case of collision damage and providing a high level of safety.

The general objective of the revision of the EU passenger ship safety legislation is to simplify and streamline the existing regulatory framework, in order to (i) maintain EU rules where necessary and proportionate, (ii) ensure their correct implementation; and (iii) eliminate a potential overlap of obligations and inconsistencies between related pieces of legislation. The overarching objective is to provide for a clear, simple, and up-to-date legal framework that is easier to implement, monitor and enforce, thus increasing the overall safety level.

The current stability requirements under European Legislation Directive 2003/25/EC are based on a combination of the International Maritime Organisation (IMO) conventions and the 1996 Stockholm Agreement. The latter Agreement was created in response to the tragic sinking of MS Estonia in 1994, where 852 lives were lost. At the time, it was decided that the SOLAS 90 Convention on its own did not satisfy the appropriate and necessary stability and safety requirements for European Union standards. Resulting in the creation of the 1996 Stockholm Agreement.

With SOLAS 2020 entering into force and the changes it brought, its coexistence of Directive 2003/25/EC (and in part Directive 2009/45/EC) as it stands, brings about legislative and administrative burden to European passenger ship regulations. In practice, the present frameworks require ship designs to comply with two different approaches of regulation: the probabilistic SOLAS 2020 and the deterministic approach of SOLAS 90 in combination with the Stockholm Agreement. As a result, this Proposal aims to streamline the regulatory obligations and clarify stability requirements for ro-ro passenger ships in the European Union. In order for the simplification to take effect, SOLAS 2020 must meet the requirements of the SOLAS 90 in combination with the Stockholm Agreement.

The Proposed stability requirements of Directive divide the requirements by the number of persons on board of the ro-ro ships, between over 1350 persons and under 1350 persons. The Commission's expert study determined that the SOLAS 2020 Convention did not include sufficient protective measures under European Union standards for ro-ro passenger ships in capacity of 1350 or less persons on board. As a result, the Commission's own study supplied an additional framework of safety details. The study concluded that the SOLAS 2020 Convention alone would not fulfil sufficient safety procedures for roro passenger ships operating in European Union ports.

The Rapporteur recognises that the current Directive 2003/25/EC is due for a timely revision of rules for the safety of passengers on ro-ro passenger ships, and acknowledges the need for a review and update of stability requirements in agreed-upon periods of time.

Therefore, Rapporteur welcomes the Proposal for the Directive to amend the current rules on the safety of ro-ro passenger ships in damaged condition. He stresses the importance of maintaining the highest possible safety standards in maritime transport. The unforgettable sinking of MS Estonia in 1994, which is a central theme for guiding the protocols for concrete

safety measures, proves necessity for the updated measures that shall prevent any such tragic event in the future.

The Rapporteur understands the technicality and complexity of this Proposal as it aims at bringing the EU rules into line with the international rules established by the IMO.

He welcomes a margin given for the industry to adjust to the proposed measures in this Directive, while ensuring that the quality of safety measures is not jeopardized.

Rapporteur proposes a technical amendment, as well as amendment on a derogation for Member States which have no seaports and which have no ships flying their flag that fall within the scope of this Directive, in order to avoid a disproportionate administrative burden for those Member States. In case these conditions change, respective Member State will be obliged to transpose this Directive.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Amending Directive 2003/25/EC as regards the inclusion of improved stability requirements and its alignment with stability requirements defined by the International Maritime Organisation
References	COM(2022)0053 – C9-0047/2022 – 2022/0036(COD)
Date submitted to Parliament	18.2.2022
Committee responsible Date announced in plenary	TRAN 7.3.2022
Rapporteurs Date appointed	Roberts Zīle 1.4.2022
Discussed in committee	11.7.2022
Date adopted	10.10.2022
Result of final vote	+: 29 –: 0 0: 0
Members present for the final vote	Andris Ameriks, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Ciarán Cuffe, Jakop G. Dalunde, Karima Delli, Ismail Ertug, Giuseppe Ferrandino, Mario Furore, Isabel García Muñoz, Elsi Katainen, Peter Lundgren, Marian-Jean Marinescu, Cláudia Monteiro de Aguiar, Caroline Nagtegaal, Philippe Olivier, Dominique Riquet, Massimiliano Salini, Elissavet Vozemberg-Vrionidi, Lucia Vuolo
Substitutes present for the final vote	Tom Berendsen, Ignazio Corrao, Angel Dzhambazki
Substitutes under Rule 209(7) present for the final vote	Mazaly Aguilar, Andreas Schieder, Simone Schmiedtbauer, Ralf Seekatz, Ivan Štefanec, Elena Yoncheva

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Date tabled	21.10.2022

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

29	+
ECR	Mazaly Aguilar, Angel Dzhambazki, Peter Lundgren
ID	Philippe Olivier
NI	Mario Furore
PPE	Tom Berendsen, Marian-Jean Marinescu, Cláudia Monteiro de Aguiar, Massimiliano Salini, Simone Schmiedtbauer, Ralf Seekatz, Ivan Štefanec, Elissavet Vozemberg-Vrionidi, Lucia Vuolo
RENEW	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen, Caroline Nagtegaal, Dominique Riquet
S&D	Andris Ameriks, Ismail Ertug, Giuseppe Ferrandino, Isabel García Muñoz, Andreas Schieder, Elena Yoncheva
VERTS/ALE	Ignazio Corrao, Ciarán Cuffe, Jakop G. Dalunde, Karima Delli

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0	0

Key to symbols:

+ : in favour

- : against

0 : abstention