



**2016/0172(COD)**

10.3.2017

# **AMENDMENTS**

## **13 - 31**

### **Draft report**

**Dominique Riquet**

(PE589.485v02-00)

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

Proposal for a directive

(COM(2016)0371 – C8-0210/2016 – 2016/0172(COD))



**Amendment 13**  
**Rosa D'Amato, Daniela Aiuto**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) Most Member States already combine mandatory surveys for the safe operation of regular ro-ro ferries with other types of surveys and inspections where possible, namely flag State surveys and port State control inspections. To further reduce the inspection effort and to maximise the time in which the ship can be commercially exploited, vessels subject to port State control inspections should be therefore transferred to Directive 2009/16/EC and the scope of this Directive should be confined to ships providing regular ro-ro ferry and high-speed passenger craft services between ports within a Member State or between a port in a Member State and a port in a third State where the flag of the vessel is the same as the Member State in question.

*Amendment*

(3) Most Member States already combine mandatory surveys for the safe operation of regular ro-ro ferries with other types of surveys and inspections where possible, namely flag State surveys and port State control inspections. To further reduce the inspection effort and to maximise the time in which the ship can be commercially exploited, ***while continuing to ensure high safety standards that are not watered down,*** vessels subject to port State control inspections should be therefore transferred to Directive 2009/16/EC and the scope of this Directive should be confined to ships providing regular ro-ro ferry and high-speed passenger craft services between ports within a Member State or between a port in a Member State and a port in a third State where the flag of the vessel is the same as the Member State in question.

Or. it

**Amendment 14**  
**Dominique Riquet**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Directive 1999/35/EC provided that every 12-month period a specific survey and a survey during regular service must be carried out by host States. Although the objective of this requirement was to ensure that these two inspections are carried out with a ***certain*** interval between them, the REFIT fitness check demonstrated that this

*Amendment*

(5) Directive 1999/35/EC provided that every 12-month period a specific survey and a survey during regular service must be carried out by host States. Although the objective of this requirement was to ensure that these two inspections are carried out with a ***sufficient*** interval between them, the REFIT fitness check demonstrated that this

is not always the case. ***To remove the ambiguity of that requirement and to ensure a common*** safety level, it should be clarified that the two annual inspections should take place at regular, approximately six monthly intervals.

is not always the case. ***In order to clarify the inspection regime and ensure a harmonised inspection framework that ensures a high*** safety level, ***while taking account of the common needs of the services,*** it should be clarified that the two annual inspections should take place at regular, approximately six monthly intervals, ***it being understood that the minimum interval should not be less than four months and more than eight months.***

Or. fr

## **Amendment 15** **Maria Grapini**

### **Proposal for a directive** **Recital 5**

#### *Text proposed by the Commission*

(5) Directive 1999/35/EC provided that every 12-month period a specific survey and a survey during regular service must be carried out by host States. Although the objective of this requirement was to ensure that these two inspections are carried out with a certain interval between them, the REFIT fitness check demonstrated that this is not always the case. To remove the ambiguity of that requirement and to ensure a common safety level, it should be clarified that the two annual inspections should take place at regular, approximately six monthly intervals.

#### *Amendment*

(5) Directive 1999/35/EC provided that every 12-month period a specific survey and a survey during regular service must be carried out by host States. Although the objective of this requirement was to ensure that these two inspections are carried out with a certain interval between them, the REFIT fitness check demonstrated that this is not always the case. To remove the ambiguity of that requirement and to ensure a common safety level, it should be clarified that the two annual inspections should take place at regular, approximately six monthly intervals. ***Similarly, the European Maritime Safety Agency should conduct and present a study on the actual consequences of the application of this Directive.***

Or. ro

## **Amendment 16** **Marie-Christine Arnautu**

### **Proposal for a directive**

PE601.069v01-00

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## Recital 5

*Text proposed by the Commission*

(5) Directive 1999/35/EC provided that every 12-month period a specific survey and a survey during regular service must be carried out by host States. Although the objective of this requirement was to ensure that these two inspections are carried out with a certain interval between them, the REFIT fitness check demonstrated that this is not always the case. To remove the ambiguity of that requirement and to ensure a common safety level, it should be clarified that the two annual inspections should take place at regular, *approximately six monthly intervals*.

*Amendment*

(5) Directive 1999/35/EC provided that every 12-month period a specific survey and a survey during regular service must be carried out by host States. Although the objective of this requirement was to ensure that these two inspections are carried out with a certain interval between them, the REFIT fitness check demonstrated that this is not always the case. To remove the ambiguity of that requirement and to ensure a common safety level, it should be clarified that the two annual inspections should take place at regular *intervals of not more than seven months*.

Or. fr

## Amendment 17 Dominique Riquet

### Proposal for a directive Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

*(6a) Given their high and specific risk profile, ro-ro ferries and high-speed passenger craft should be systematically considered as high-risk vessels and therefore inspected as a matter of priority. As such, their inspections should be included in the total number of annual inspections to be carried out by each Member State, as provided for in Article 5 of Directive 2009/16/EC. Annex II to that Directive should therefore be amended accordingly.*

Or. fr

## Amendment 18 Rosa D'Amato, Daniela Aiuto

**Proposal for a directive**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**(8a)** *Inspections should also take into account the working environments and personal lives of the crew, given that safety and social considerations are closely intertwined.*

Or. it

**Amendment 19**  
**Lucy Anderson, István Ujhelyi**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 5 – introductory part**

*Text proposed by the Commission*

*Amendment*

(5) 'regular service' means a series of ro-ro ferry or high-speed passenger craft crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either:

(5) 'regular service' means a series of ro-ro ferry or high-speed passenger craft crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port, without intermediate calls **and according to publicly available or planned list of times of departures and arrivals**, either:

Or. en

**Amendment 20**  
**Cláudia Monteiro de Aguiar**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 12**

*Text proposed by the Commission*

*Amendment*

(12) 'inspector' means a public-sector employee or other person, duly authorised by the competent authority of the Member State to carry out the inspections provided for in this Directive and responsible to that competent authority **and fulfilling the**

(12) 'inspector' means a public-sector employee or other person, duly authorised by the competent authority of the Member State to carry out the inspections provided for in this Directive and responsible to that competent authority.

*minimum criteria specified in Annex XI of Directive 2009/16/EC.*

Or. pt

*Justification*

*The inspections referred to in this directive can be carried out by inspectors from the flag State, who possess the necessary technical skills and qualifications.*

**Amendment 21**

**Miltiadis Kyrkos, Elissavet Vozemberg-Vrionidi**

**Proposal for a directive**

**Article 4 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. In the case of pre-commencement inspections, a Member State may waive certain requirements, or procedures, laid down in, or set out in, Annexes I and II relevant to any annual flag State survey or inspection carried out, within the previous six months, in respect of which the relevant procedures and guidelines for surveys as specified in HSSC or procedures designed to achieve the same goal have been followed. Member States shall transfer the relevant information to the inspection database in accordance with Article 10.***

Or. en

**Amendment 22**

**Dominique Riquet**

**Proposal for a directive**

**Article 5 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) ***an*** inspection during a regular service, not before ***five*** months but not later than ***seven*** months following the inspection. This inspection shall cover the

(b) ***a second*** inspection during a regular service, not before ***four*** months but not later than ***eight*** months following the inspection, ***as set out in subparagraph (a)***

items listed in Annex III and sufficient number of the items listed in Annexes I and II to ensure that the ro-ro ferry or high-speed passenger craft continues to fulfil all the necessary requirements for safe operation.

*of this article*. This inspection shall cover the items listed in Annex III and *a* sufficient number of the items listed in Annexes I and II (*according to the professional judgement of the inspector*) to ensure that the ro-ro ferry or high-speed passenger craft continues to fulfil all the necessary requirements for safe operation.

Or. fr

### **Amendment 23**

**Rosa D'Amato, Daniela Aiuto**

#### **Proposal for a directive**

#### **Article 5 – paragraph 3**

##### *Text proposed by the Commission*

3. Member States shall carry out an inspection in accordance with Annex II each time the ro-ro ferry or high-speed passenger craft undergoes repairs, alterations and modifications of a major character, or when there is a change in management, or a transfer of class. However, in case of change in management, or transfer of class, the Member State may, after taking account of inspections previously carried out for the ro-ro ferry or high-speed passenger craft, and provided that the safe operation of the ferry or craft is not affected by this change or transfer, dispense the ferry or craft from the inspection required by this paragraph.

##### *Amendment*

3. Member States shall carry out an inspection in accordance with Annex II each time the ro-ro ferry or high-speed passenger craft *in regular service on domestic voyages within the meaning of Article 1 (scope of the proposal for a directive)* undergoes repairs, alterations and modifications of a major character, or when there is a change in management, or a transfer of class. However, in case of change in management, or transfer of class, the Member State may, after taking account of inspections previously carried out for the ro-ro ferry or high-speed passenger craft, and provided that the safe operation of the ferry or craft is not affected by this change or transfer, dispense the ferry or craft from the inspection required by this paragraph.

Or. it

### **Amendment 24**

**Maria Grapini**

#### **Proposal for a directive**

#### **Article 7 – paragraph 1**



*Text proposed by the Commission*

1. Member States shall ensure that any deficiencies confirmed **or revealed** by an inspection carried out in accordance with this Directive are rectified.

*Amendment*

1. Member States shall ensure that any deficiencies confirmed, **revealed or suspected** by an inspection carried out in accordance with this Directive are rectified.

Or. ro

**Amendment 25**

**Maria Grapini**

**Proposal for a directive**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. The prohibition of departure shall not be lifted until the hazard has been removed or until the Member State has established that the ship can, subject to any necessary conditions, proceed to sea or the operation be resumed without risk to the safety and health of passengers or crew, or risk to the ro-ro ferry or high-speed passenger craft or other ships.

*Amendment*

3. The prohibition of departure shall not be lifted until the hazard has been **reliably** removed or until the Member State has established that the ship can, subject to any necessary conditions, proceed to sea or the operation be resumed without risk to the safety and health of passengers or crew, or risk to the ro-ro ferry or high-speed passenger craft or other ships.

Or. ro

**Amendment 26**

**Cláudia Monteiro de Aguiar**

**Proposal for a directive**

**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall develop, maintain and update an inspection database which will contain all the information required for the implementation of the inspection system provided for by this Directive **or further enhance** the inspection database referred in Article 24 of Directive 2009/16/EC.

*Amendment*

1. The Commission shall develop, maintain and update an inspection database which will contain all the information required for the implementation of the inspection system provided for by this Directive **and connect with** the inspection database referred in Article 24 of Directive 2009/16/EC.

*Justification*

*The database referred to in this directive should be connected to the existing THETIS database for the inspection of vessels by the port State.*

**Amendment 27****Maria Grapini****Proposal for a directive****Article 10 – paragraph 2***Text proposed by the Commission*

2. Member States shall ensure that the information related to inspections performed in accordance with this Directive, including on deficiencies and prohibition of departure orders, is transferred to the inspection database **as soon as** the inspection report **is** completed or the prohibition of departure order lifted. With regard to the particulars of the information, provisions of Annex XIII of Directive 2009/16/EC shall apply mutatis mutandis.

*Amendment*

2. Member States shall ensure that the information related to inspections performed in accordance with this Directive, including on deficiencies and prohibition of departure orders, is transferred to the inspection database **within 24 hours of** the inspection report **being** completed or **of** the prohibition of departure order **being** lifted. With regard to the particulars of the information, provisions of Annex XIII of Directive 2009/16/EC shall apply mutatis mutandis.

Or. ro

**Amendment 28****Rosa D'Amato, Daniela Aiuto****Proposal for a directive****Article 13 – paragraph 2***Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 12 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 Article 12 shall be conferred on the Commission for **seven years** from [the date of entry into force].

Or. it

**Amendment 29**  
**Dominique Riquet**

**Proposal for a directive**  
**Article 14 – paragraph 1 – point 3**  
Directive 2009/16/EC  
Article 14a – paragraph 4

*Text proposed by the Commission*

4. When a ro-ro ferry or high-speed passenger craft has been subject to an inspection, such inspection shall be recorded as an expanded inspection, in the inspection database and taken into account for the purposes of Articles 10, 11 and 12 and for calculating the fulfilment of the inspection commitment of each Member State, to the extent that all the items referred to in Annex VII to this Directive are covered.;

*Amendment*

4. When a ro-ro ferry or high-speed passenger craft has been subject to an inspection, such inspection shall be recorded as an expanded inspection, in the inspection database and taken into account for the purposes of Articles 10, 11 and 12 and for calculating the fulfilment of the inspection commitment of each Member State, to the extent that all the items referred to in Annex VII to this Directive are covered. ***As such, it shall be included in the total number of compulsory inspections to be carried out by each Member State, as provided for in Article 5.***

Or. fr

**Amendment 30**  
**Miltiadis Kyrkos, Elissavet Vozemberg-Vrionidi**

**Proposal for a directive**  
**Article 14 – paragraph 1 – point 3 a (new)**  
Directive 2009/16/EC  
Article 14 a – paragraph 4a (new)

*Text proposed by the Commission*

*Amendment*

***4 a. The inspector of the competent authority of the port State may agree, during an inspection of a ro-ro passenger ship or high-speed passenger craft, to be accompanied by a port State control inspector of another Member State, who shall act in the capacity of an observer. Where the flag of the vessel is that of a Member State, the port State shall, upon***

*request, invite a representative of the flag State to accompany the inspection as an observer.*

Or. en

**Amendment 31**

**Lucy Anderson, István Ujhelyi**

**Proposal for a directive**

**Article 14 – paragraph 1 – point 5 a (new)**

Directive 2009/16/EC

Article 19 – Paragraph 10 a (new)

*Text proposed by the Commission*

*Amendment*

*(5 a) In Article 19, the following paragraph 10 a is added:*

*10 a. When inspection is exercised under this Directive, all possible efforts shall be made to avoid a ship being unduly detained or delayed;*

Or. en