COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.11.2007
COM(2007) 737 final

2007/0257 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on safety rules and standards for passenger ships

(Recast)

(présentée par la Commission)

EXPLANATORY MEMORANDUM

1. On 1 April 1987 the Commission decided[1] to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.

2. The codification of Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships[2] has been initiated by the Commission. The new Directive was to have superseded the various acts incorporated in it[3].

3. In the meantime Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[4] has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

4. In accordance with the joint statement of the European Parliament, the Council and the Commission[5] on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the procedure laid down in Article 251 of the Treaty which are already in force, those instruments must be adjusted in accordance with the applicable procedures.

5. It is therefore appropriate to transform the codification of Directive 98/18/EC into a recast in order to incorporate the amendments necessary for the adjustment to the regulatory procedure with scrutiny.

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1 COM(87) 868 PV.

2 Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

3 See Annex IV, Part A of this proposal.

4 OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

5 OJ C 255, 21.10.2006, p. 1.

↓ 98/18/EC (adapted)

2007/0257 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on safety rules and standards for passenger ships

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article ⌦ 80(2) ⌫ thereof,

Having regard to the proposal from the Commission[1],

Having regard to the opinion of the European Economic and Social Committee[2],

Having regard to the opinion of the Committee of the Regions[3],

Acting in accordance with the procedure laid down in Article ⌦ 251 ⌫ of the Treaty[4],

Whereas:

⇩ new

(1) Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships[5] has been substantially amended several times[6]. Since further amendments are to be made, it should be recast in the interests of clarity.

↓ 98/18/EC Recital 1

(2) Within the framework of the common transport policy measures must be adopted to enhance safety in maritime transport.

1 OJ C […],[…], p. […].
2 OJ C […],[…], p. […].
3 OJ C […],[…], p. […].
4 OJ C […],[…], p. […].
5 OJ L 144, 15.5.1998, p. 1. Directive as last amended by Commission Directive 2003/75/EC (OJ L 190, 30.7.2003, p. 6).
6 See Annex IV, Part A.

↓ 98/18/EC Recital 2

(3) The Community is seriously concerned about shipping casualties in which passenger ships were involved resulting in a massive loss of life. Persons using passenger ships and high speed passenger craft throughout the Community have the right to expect and to rely on an appropriate level of safety on board.

↓ 98/18/EC Recital 3

(4) Work equipment and personal protective equipment of workers are not covered by this Directive, because the provisions of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work[7] and the relevant provisions of its relevant individual directives are applicable to the use of such equipment on passenger ships engaged on domestic voyages.

↓ 98/18/EC Recital 4 (adapted)

(5) The provision of maritime passenger transport services between Member States has already been liberalised by Council Regulation (EEC) No 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries[8]. The application of the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) ⌦ has been ⌫ provided for by Council Regulation (EEC) No 3577/92[9].

↓ 98/18/EC Recital 5 (adapted)

(6) To attain a high level of safety, and to remove barriers to trade, it is necessary to establish harmonised safety standards at an appropriate level for passenger ships and craft operating domestic services. Standards for vessels operating international voyages are being developed within the International Maritime Organisation (IMO). Procedures to request action at the IMO in order to bring in line the standards for international voyages with the standards of this Directive ⌦ should be available ⌫ .

↓ 98/18/EC Recital 7

(7) In view, in particular, of the internal market dimension of maritime passenger transport, action at Community level is the only possible way to establish a common level of safety for ships throughout the Community.

7 OJ L 183, 29.6.1989, p. 1. Directive as last amended by Directive 2007/30/EC of the European Parliament and of the Council (OJ L 165, 27.6.2007, p. 21,).

8 OJ L 378, 31.12.1986, p. 1. Regulation as amended by Regulation (EEC) No 3573/90 (OJ L 353, 17.12.1990, p. 16).

9 OJ L 364, 12.12.1992, p. 7.

↓ 98/18/EC Recital 8

(8) In view of the proportionality principle, a Directive is the appropriate legal instrument as it provides a framework for a uniform and compulsory application of the safety standards by Member States, while leaving to each Member State the right to decide the implementation tools that best fit its internal system.

↓ 98/18/EC Recital 9

(9) In the interests of improving safety and avoiding distortions of competition the common safety requirements should apply to passenger ships and high speed passenger craft engaged on domestic voyages in the Community, irrespective of the flag they fly. It is, however, necessary to exclude some categories of ships for which the rules of this Directive are technically unsuitable or economically unviable.

↓ 98/18/EC Recital 10

(10) Passenger ships should be divided into different classes depending upon the range and conditions of the sea areas in which they operate. High speed passenger craft should be categorised in accordance with the provisions of the High Speed Craft Code established by the IMO.

↓ 98/18/EC Recital 11 (adapted)

(11) The main reference framework for the safety standards should be the 1974 International Convention for the Safety of Life at Sea (the 1974 SOLAS Convention) ⌦ in its up-to-date version ⌫, which encompasses internationally agreed standards for passenger ships and high speed passenger craft engaged on international voyages, as well as appropriate Resolutions by the IMO and other measures complementing and interpreting ⌦ that ⌫ Convention.

↓ 98/18/EC Recital 12

(12) The various classes of both new and existing passenger ships require a different approach for establishing safety requirements guaranteeing an equivalent safety level in view of the specific needs and limitations of these various classes. It is appropriate to make distinctions in the safety requirements to be respected between new and existing ships since imposing the rules for new ships on existing ships would imply such extensive structural changes as to make them economically unviable.

↓ 98/18/EC Recital 13 (adapted)

(13) The financial and technical implications arising from the upgrading of existing ships to the standards provided for by ⌦ this ⌫ Directive justify certain transitional periods.

↓ 98/18/EC Recital 14

(14) In view of the substantial differences in conception, construction and use of high speed passenger craft compared to traditional passenger ships, such craft should be required to respect special rules.

↓ 98/18/EC Recital 15

(15) Shipborne marine equipment, complying with the provisions of Council Directive 96/98/EC of 20 December 1996 on marine equipment[10], when installed on board a passenger ship, should not be subject to additional tests since such equipment is already subject to the standards and procedures of that Directive.

↓ 2003/24/EC Recitals 4 and 5 (adapted)

(16) Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships[11] ⌦ introduced ⌫ strengthened stability requirements for ro-ro passenger vessels operating on international services to and from Community ports, and this enhanced measure should also apply to certain categories of such vessels operating on domestic services under the same sea conditions. Failure to apply such stability requirements should be grounds for phasing out ro-ro passenger ships after a certain number of years of operation. 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 to the part of the industry affected sufficient time 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 in the sea areas covered by the Annexes to the Stockholm Agreement of 28 February 1996.

↓ 2003/24/EC Recital 8

(17) It is important to apply appropriate measures to ensure the access in safe conditions of persons with reduced mobility to ships and high-speed passenger craft operating on domestic services in the Member States.

↓ 98/18/EC Recital 17

(18) Subject to control under the Committee procedure, Member States may adopt additional safety requirements if justified by local circumstances, permit the use of equivalent standards, or adopt exemptions from the provisions of this Directive under

[10] OJ L 46, 17.2.1997, p. 25. Directive as last amended by Directive 2002/84/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, p. 53).

[11] OJ L 123, 17.5.2003, p. 22. Directive as amended by Commission Directive 2005/12/EC (OJ L 48, 19.2.2005, p. 19).

certain operating conditions, or adopt safeguard measures in exceptional dangerous circumstances.

↓ 2002/84/EC Recital 3 (adapted)

(19) Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002, establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships[12] ⌦ centralised ⌫ the tasks of the committees established under the pertinent Community legislation on maritime safety, the prevention of pollution from ships and the protection of shipboard living and working conditions.

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(20) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[13].

↓ 98/18/EC Recital 19 (adapted)
⇨ new

(21) ⌦ Power should be conferred on the Commission in particular to adapt ⌫ certain provisions of this Directive, as well as Annex I, to take account of developments at international level and specifically amendments to International Conventions. ⇨ Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC. ⇦

↓ 98/18/EC Recital 20 (adapted)

(22) For the control of the effective implementation and enforcement of this Directive, surveys ⌦ should ⌫ be carried out on new and existing passenger ships and craft. Compliance with this Directive ⌦ should ⌫ be certified by or on behalf of the Administration of the flag State.

↓ 98/18/EC Recital 16 (adapted)

(23) In order to ensure full application of this Directive, Member States should lay down a system of penalties for breaching the national provisions adopted pursuant to this Directive and ⌦ should ⌫ control compliance with the provisions of this Directive ⌦ on the basis of provisions modelled ⌫ on those ⌦ laid down ⌫ in [Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the

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[12] OJ L 324, 29.11.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 93/2007 (OJ L 22, 31.1.2007, p. 12).

[13] OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)][14].

⇩ new

(24) The new elements introduced into this Directive only concern the committee procedures. They therefore do not need to be transposed by the Member States.

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(25) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex IV, Part B,

🡻 98/18/EC

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

The purpose of this Directive is to introduce a uniform level of safety of life and property on new and existing passenger ships and high speed passenger craft, when both categories of ships and craft are engaged on domestic voyages, and to lay down procedures for negotiation at international level with a view to a harmonisation of the rules for passenger ships engaged on international voyages.

Article 2

Definitions

For the purpose of this Directive:

🡻 2002/84/EC Art. 7 pt. 1

(a) 'International Conventions' means the 1974 International Convention for the Safety of Life at Sea (the 1974 SOLAS Convention), and the 1966 International Convention on Load Lines, together with Protocols and amendments thereto, in their up-to-date versions;

(b) 'Intact Stability Code' means the 'Code on Intact Stability for all types of ships covered by IMO Instruments' contained in IMO Assembly Resolution A.749(18) of 4 November 1993, in its up-to-date version;

[14] OJ L 157, 7.7.1995, p. 1. Directive as last amended by Directive 2002/84/EC.

(c) 'High Speed Craft Code' means the 'International Code for Safety of High Speed Craft' contained in IMO Maritime Safety Committee Resolution MSC 36 (63) of 20 May 1994, in its up-to-date version;

(d) 'GMDSS' means the Global Maritime Distress and Safety System as laid down in Chapter IV of the 1974 SOLAS Convention, in its up-to-date version;

↓ 98/18/EC

(e) 'a passenger ship' means a ship which carries more than 12 passengers;

↓ 2003/24/EC Art. 1 pt. 1

(f) '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 II-2/A/2 contained in Annex I;

↓ 2002/84/EC Art. 7 pt. 1 (adapted)

(g) 'high speed passenger craft' means a high speed craft as defined in Regulation X/1 of the 1974 SOLAS Convention, in its up-to-date version, which carries more than 12 passengers ⌦ , with the exception of ⌫ passenger ships engaged on domestic voyages in sea areas of Class B, C or D when:

↓ 2002/84/EC Art. 7 pt. 1

(i) their displacement corresponding to the design waterline is less than 500 m^3, and

(ii) their maximum speed, as defined in paragraph 1.4.30 of the High Speed Craft Code, is less than 20 knots;

↓ 98/18/EC (adapted)

(h) 'new ship' means a ship the keel of which ⌦ was ⌫ laid or which ⌦ was ⌫ at a similar stage of construction on or after ⌦ 1 July 1998 ⌫; a 'similar stage of construction' means the stage at which:

↓ 98/18/EC

(i) construction identifiable with a specific ship begins; and

(ii) assembly of that ship has commenced comprising at least 50 tonnes or 1 % of the estimated mass of all structural material, whichever is less;

(i) 'existing ship' means a ship which is not a new ship;

↓ 2003/24/EC Art. 1 pt. 1

(j) 'age' means the age of the ship, expressed in number of years after the date of its delivery;

↓ 98/18/EC

(k) 'passenger' means every person other than:

(i) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and

(ii) a child under one year of age;

(l) 'length of a ship', unless expressly provided otherwise, means 96 % of the total length on a water line at 85 % of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

(m) 'bow height' means the bow height defined in Regulation 39 of the 1966 International Convention on Load Lines as the vertical distance at the forward perpendicular between the waterline corresponding to the assigned summer freeboard and the designed trim and the top of the exposed deck at side;

(n) 'ship with a full deck' means a ship that is provided with a complete deck, exposed to weather and sea, which has permanent means of closing all openings in the weatherpart thereof and below which all openings in the sides of the ship are fitted with permanent means of at least weathertight closing;

the complete deck may be a watertight deck or equivalent structure consisting of a non-watertight deck completely covered by a weathertight structure of adequate strength to maintain the weathertight integrity and fitted with weathertight closing appliances;

(o) 'international voyage' means a voyage by sea from a port of a Member State to a port outside that Member State, or conversely;

(p) 'domestic voyage' means a voyage in sea areas from a port of a Member State to the same or another port within that Member State;

(q) 'sea area' means an area as established pursuant to the provision of Article 4(2);

however, for the application of the provisions on radiocommunication, the definitions of sea areas will be those defined in Regulation 2, Chapter IV of the 1974 SOLAS Convention;

(r) 'port area' means an area other than a sea area, as defined by the Member States, extending to the outermost permanent harbour works forming an integral part of the harbour system, or to the limits defined by natural geographical features protecting an estuary or similar sheltered area;

(s) ‘place of refuge’ means any naturally or artificially sheltered area which may be used as a shelter by a ship or craft under conditions likely to endanger its safety;

(t) ‘Administration of the flag State’ means the competent authorities of the State whose flag the ship or craft is entitled to fly;

(u) ‘host State’ means a Member State to or from whose port(s) a ship or craft, flying another flag than the flag of that Member State, is carrying out domestic voyages;

(v) ‘recognised organisation’ means an organisation recognised in conformity with [Article 4 of Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations][15];

(w) ‘a mile’ is 1 852 metres;

(x) ‘significant wave height’ means the average height of the one third highest observed wave heights over a given period;

↓ 2003/24/EC Art. 1 pt. 1

(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.

↓ 98/18/EC (adapted)

Article 3

Scope

1. This Directive applies to ⌦ the following passenger ships and craft, ⌫ regardless of their flag, when engaged on domestic voyages:

(a) new passenger ships;

(b) existing passenger ships of 24 metres in length and above;

(c) high speed passenger craft.

Each Member State, in its capacity as host State, shall ensure that passenger ships and high speed passenger craft, flying the flag of a State which is not a Member State, fully comply with the requirements of this Directive, before they may be engaged on domestic voyages in that Member State.

2. This Directive does not apply to:

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[15] OJ L 319, 12.12.1994, p. 20.

(a) passenger ships which are:

(i) ships of war and troopships,

(ii) ships not propelled by mechanical means,

(iii) vessels constructed in material other than steel or equivalent and not covered by the standards concerning High Speed Craft (Resolution MSC 36 (63)) or Dynamically Supported Craft (Resolution A.373 (X)),

(iv) wooden ships of primitive build,

(v) original, and individual replicas of, historical passenger ships designed before 1965, built predominantly with the original materials,

(vi) pleasure yachts unless they are or will be crewed and carrying more than 12 passengers for commercial purposes,

(vii) ships exclusively engaged in port areas;

(b) high speed passenger craft which are:

↓ 98/18/EC

(i) craft of war and troopcraft,

(ii) pleasure craft, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes, and

(iii) craft exclusively engaged in port areas.

Article 4

Classes of passenger ships

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

'Class A' means a passenger ship engaged on domestic voyages other than voyages covered by Classes B, C and D.

'Class B' means a passenger ship engaged on domestic voyages in the course of which it is at no time more than 20 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.

'Class C' means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 2,5 m 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 15 miles from a place of refuge, nor more than 5 miles from the line of coast, where shipwrecked

persons can land, corresponding to the medium tide height.

‘Class D’ means a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding 1,5 m 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 6 miles from a place of refuge, nor more than 3 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.

↓ 2003/24/EC Art. 1 pt. 2

2. Each Member State shall:

(a) establish, and update, when necessary, a list of sea areas under its jurisdiction, delimiting the 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;

(b) publish the list in a public database available on the Internet site of the competent maritime authority;

(c) notify to the Commission the location of such information, and when modifications are made to the list.

↓ 98/18/EC

3. For high speed passenger craft the categories defined in Chapter 1 (1.4.10) and (1.4.11) of the High Speed Craft Code shall apply.

Article 5

Application

1. Both new and existing passenger ships and high speed passenger craft, when engaged on domestic voyages, shall comply with the relevant safety rules laid down in this Directive.

2. Member States shall not withhold from operation, for reasons arising from this Directive, passenger ships or high speed passenger craft, when engaged on domestic voyages, which comply with the requirements of this Directive, including any additional requirements imposed by a Member State in accordance with the provisions of Article 9(1).

Each Member State, acting in its capacity as host State, shall recognise the High Speed Craft Safety Certificate and Permit to Operate issued by another Member State for high speed passenger craft, when engaged on domestic voyages, or the Passenger Ship Safety Certificate referred to in Article 13 issued by another Member State for passenger ships when engaged on domestic voyages.

3. A host 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 95/21/EC].

↓ 98/18/EC (adapted)

4. All shipborne marine equipment, as listed in Annex A.1 to Directive 96/98/EC and complying with the provisions of the latter, ⌦ shall ⌫ be considered to be in conformity with the provisions of this Directive, whether or not in Annex I ⌦ to this Directive ⌫ it is required that equipment must be approved and subjected to tests to the satisfaction of the Administration of the flag State.

↓ 98/18/EC
→1 2002/84/EC Art. 7 pt. 2

Article 6

Safety requirements

1. With regard to new and existing passenger ships of Classes A, B, C and D:

(a) the construction and maintenance of hull, main and auxiliary machinery, electrical and automatic plants shall comply with the standards specified for classification by the rules of a recognised organisation, or equivalent rules used by an Administration in accordance with [Article 14(2) of Directive 94/57/EC];

(b) the provisions of Chapters IV, including the 1988 GMDSS amendments, V and VI of the 1974 SOLAS Convention, →1 in its up-to-date version ←, shall apply;

↓ 98/18/EC (adapted)
→1 2002/84/EC Art. 7 pt. 2

(c) the provisions for shipborne navigational equipment of Regulation 12, Chapter V of the 1974 SOLAS Convention, →1 in its up-to-date version ←, shall apply. Shipborne navigational equipment, as listed in Annex A.1 to Directive 96/98/EC and complying with the provisions of the latter, ⌦ shall be ⌫ considered to be in conformity with the type approval requirements of Regulation 12⌦ , Chapter V of the 1974 SOLAS Convention ⌫.

↓ 98/18/EC

2. With regard to new passenger ships:

(a) general requirements:

↓ 98/18/EC (adapted)
→1 2002/84/EC Art. 7 pt. 2

(i) new passenger ships of Class A shall comply entirely with the requirements of the 1974 SOLAS Convention, →1 in its up-to-date version ←, and with the specific relevant requirements specified in ⌦ the enacting terms of ⌫ this Directive and in Annex I thereto; for those regulations, for which SOLAS leaves the interpretation to the discretion of the Administration, the Administration of the flag State shall apply the interpretations as contained in Annex I to this Directive;

↓ 98/18/EC (adapted)

(ii) new passenger ships of Classes B, C, and D shall comply with the specific relevant requirements specified in ⌦ the enacting terms of ⌫ this Directive and in Annex I ;

(b) load line requirements:

(i) all new passenger ships of 24 metres in length and above shall comply with the 1966 International Convention on Load Lines;

(ii) criteria with a level of safety equivalent to those of the 1966 International Convention on Load Lines shall be applied in relation to length and Class, to new passenger ships of less than 24 metres in length;

(iii) notwithstanding points (i) and (ii), new passenger ships of Class D are exempted from the minimum bow height requirement laid down in the 1966 International Convention on Load Lines;

(iv) new passenger ships of Classes A, B, C, and D shall have a full deck.

3. With regard to existing passenger ships:

↓ 98/18/EC (adapted)
→1 2002/84/EC Art. 7 pt. 2

(a) existing passenger ships of Class A shall comply with the regulations for existing passenger ships defined in the 1974 SOLAS Convention, →1 in its up-to-date version ←, and with the specific relevant requirements ⌦ in the enacting terms ⌫of this Directive and in Annex I thereto; for those regulations, for which SOLAS leaves the interpretation to the discretion of the Administration, the Administration of the flag State shall apply the interpretations as contained in Annex I to this Directive;

↓ 98/18/EC (adapted)

(b) existing passenger ships of Class B shall comply with the specific relevant requirements ⌦ in the enacting terms ⌫ of this Directive and in Annex I;

(c) existing passenger ships of Classes C and D shall comply with the specific relevant requirements ⌦ in the enacting terms ⌫ of this Directive and in Chapter III of Annex I and in respect of matters not covered by such requirements with the rules of the Administration of the flag State;such rules shall provide an equivalent level of safety to that of Chapters II-1 and II-2 of Annex I, while taking into account the specific local operational conditions related to the sea areas in which ships of such classes may operate;

before existing passenger ships of Classes C and D can be engaged on regular domestic voyages in a host State, the Administration of the flag State shall obtain concurrence of the host State on such rules;

↓ 98/18/EC (adapted)

(d) where a Member State is of the view that rules required by the Administration of the host State pursuant to point (c) are unreasonable, it shall immediately notify the Commission thereof; the Commission shall initiate proceedings in order to take a decision in accordance with the procedure ⌦ referred to ⌫ in Article 11(2);

↓ 98/18/EC

(e) repairs, alterations and modifications of a major character and outfitting related thereto shall be in compliance with the requirements for new ships as prescribed in paragraph 2(a) ; alterations made to an existing ship, which are intended solely to achieve a higher survivability standard, shall not be regarded as modifications of a major character;

(f) the provisions of point (a), unless earlier dates are specified in the 1974 SOLAS Convention, and the provisions of points (b) and (c), unless earlier dates are specified in Annex I to this Directive, shall not be applied in relation to a ship whose keel was laid or which was at a similar stage of construction:

(i) before 1 January 1940: until 1 July 2006;

(ii) on or after 1 January 1940, but before 31 December 1962: until 1 July 2007;

(iii) on or after 1 January 1963, but before 31 December 1974: until 1 July 2008;

(iv) on or after 1 January 1975, but before 31 December 1984: until 1 July 2009;

↓ 98/18/EC (adapted)

(v) on or after 1 January 1985, but before ⌦ 1 July 1998 ⌫: until 1 July 2010;

↓ 98/18/EC

4. With regard to high speed passenger craft:

(a) high speed passenger craft constructed or subjected to repairs, alterations or modifications of a major character on or after 1 January 1996 shall comply with the requirements of Regulation X/3 of the 1974 SOLAS Convention, unless:

↓ 98/18/EC (adapted)

– their keel was laid or ⌦ they were ⌫ at a similar stage of construction not later than ⌦ 4 June 1998 ⌫, and

– delivery and commissioning ⌦ has taken ⌫ place not later than ⌦ 4 December 1998 ⌫, and

↓ 98/18/EC

– they fully comply with the requirements of the Code of Safety for Dynamically Supported Craft (DSC Code) contained in IMO Assembly Resolution A.373(X) of 14 November 1977, as amended by Maritime Safety Committee Resolution MSC 37(63) of 19 May 1994;

↓ Corrigendum 98/18/EC
(OJ L 113, 12.5.2000, p. 55)

(b) high speed passenger craft constructed before 1 January 1996 and complying with the requirements of the High Speed Craft Code shall continue operation certified under that Code;

↓ 98/18/EC (adapted)

high speed passenger craft constructed before 1 January 1996 and not complying with the requirements of the High Speed Craft Code may not be engaged on domestic voyages, unless they were already in operation on domestic voyages in a Member State ⌦ on 4 June 1998 ⌫, in which case they may be allowed to continue their domestic operation in that Member State; such craft shall comply with the requirements of the DSC Code as amended;

↓ 98/18/EC

(c) the construction and maintenance of high speed passenger craft and their equipment shall comply with the rules for the classification of high speed craft of a recognised organisation, or equivalent rules used by an Administration in accordance with [Article 14(2) of Directive 94/57/EC].

↓ 2003/24/EC Art. 1 pt. 3
(adapted)

Article 7

Stability requirements and phasing-out of ro-ro passenger ships

1. All ro-ro passenger ships of Classes A, B, and C, the keel of which ⊠ was ⌫ laid or which ⊠ were ⌫ at a similar stage of construction on or after 1 October 2004 shall comply with Articles 6, 8 and 9 of Directive 2003/25/EC .

2. All ro-ro passenger ships of Classes A and B, the keel of which ⊠ was ⌫ laid or which ⊠ were ⌫ at a similar stage of construction before 1 October 2004 shall comply with Articles 6, 8 and 9 of Directive 2003/25/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 October 2015.

Article 8

Safety requirements for persons with reduced mobility

1. Member States shall ensure that appropriate measures are taken, based, where practicable, 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, used for public transport, the keel of which ⊠ was ⌫ laid or which ⊠ were ⌫ at a similar stage of construction on or after 1 October 2004.

2. Member States shall cooperate with and consult organisations representing persons with reduced mobility on the implementation of the guidelines included in Annex III.

3. For the purpose of modification of passenger ships of Classes A, B, C and D and high-speed passenger craft, used for public transport, the keel of which ⊠ was ⌫ laid or which ⊠ were ⌫ 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 forward that plan to the Commission not later than 17 May 2005.

4. Member States shall ⊠, not later than 17 May 2006, ⌫ 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 passenger craft.

↓ 98/18/EC (adapted)

Article 9

Additional safety requirements, equivalents, exemptions and safeguard measures

1. If a Member State or group of Member States consider that the applicable safety requirements should be improved in certain situations due to specific local circumstances and if the need therefor is demonstrated, they may, subject to the procedure laid down in paragraph 4, adopt measures to improve the safety requirements.

2. A Member State may, subject to the procedure laid down in paragraph 4, adopt measures allowing equivalents for the regulations contained in Annex I, provided that such equivalents are at least as effective as such regulations.

3. Provided there is no reduction in the level of safety and subject to the procedure laid down in paragraph 4, a Member State may adopt measures to exempt ships from certain specific requirements of this Directive for domestic voyages to be carried out in that State, including in its archipelagic sea areas sheltered from open sea effects, under certain operating conditions, such as smaller significant wave height, restricted year period, voyages only during daylight time or under suitable climatic or weather conditions, or restricted trip duration, or proximity of rescue services.

4. A Member State which avails itself of the provisions of paragraphs 1, 2 or 3 shall proceed ⌦ in accordance with the second to sixth subparagraphs. ⌫

The Member State shall notify the Commission of the measures which it intends to adopt, including particulars to the extent necessary to confirm that the level of safety is adequately maintained.

If, within a period of six months from the notification, it is decided, in accordance with the procedure ⌦ referred to ⌫ in Article 11(2), that the proposed measures are not justified, the said Member State shall be required to amend or not to adopt the proposed measures.

The adopted measures shall be specified in the relevant national legislation and communicated to the Commission, which shall inform the other Member States of all particulars thereof.

Any such measures shall be applied to all passenger ships of the same Class or to craft when operating under the same specified conditions, without discrimination with regard to their flag or to the nationality or place of establishment of their operator.

The measures referred to in paragraph 3 shall only apply for as long as the ship or craft operates under the specified conditions.

5. Where a Member State considers that a passenger ship or craft operating on a domestic voyage within that State, notwithstanding the fact that it is complying with the provisions of this Directive, creates a risk of serious danger to safety of life or property, or environment, the operation of that ship or craft may be suspended or additional safety measures may be imposed, until such time as the danger is removed.

In the above circumstances the following procedure shall apply:

(a) the Member State shall inform the Commission and the other Member States of its decision without delay, giving substantiated reasons therefor;

(b) the Commission shall examine whether the suspension or the additional measures are justified for reasons of serious danger to safety and the environment;

(c) it ⌦ shall ⌫ be decided, in accordance with the procedure ⌦ referred to ⌫ in Article 11(2), whether or not the decision of the Member State to suspend the operation of such ship or craft or to impose the additional measures is justified for reasons of serious danger to safety of life or property, or the environment, and, if the suspension or the measures are not justified, that the Member State concerned ⌦ shall ⌫ be required to withdraw the suspension or the measures.

↓ 2002/84/EC Art. 7 pt. 3 (adapted)

Article 10

Adaptations

⌦ 1. The following may be adapted in order to take account of developments at international level, in particular within IMO ⌫:

(a) the definitions in Article 2 (a), (b), (c), (d) and (v);

(b) the provisions relating to procedures and guidelines for surveys referred to in Article 12;

(c) the provisions concerning the SOLAS Convention and the High Speed Craft Code , and including its subsequent amendments, laid down in Articles 4(3), 6(4), 12(3) and 13(3);

(d) the specific references to the 'International Conventions' and IMO resolutions referred to in Article 2 (g), (m) and (q), Articles 3(2)(a), 6(1)(b) and (c), 6(2)(b) and 13(3).

2. Annexes may be amended in order to:

↓ 2002/84/EC Art. 7 pt. 3

(a) apply, for the purpose of this Directive, amendments made to international conventions;

(b) improve the technical specifications thereof, in the light of experience.

⇩ new

3. The measures referred to in paragraphs 1 and 2 of this Article, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).

🡻 2002/84/EC Art. 7 pt. 3

4. The amendments to the international instruments referred to in Article 2 may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 .

🡻 2002/84/EC Art. 7 pt. 4
⇨ new

Article 11

Committee

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) created by Article 3 of Regulation (EC) No 2099/2002.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

~~3. The Committee shall adopt its rules of procedure.~~

⇩ new

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

🡻 98/18/EC (adapted)

Article 12

Surveys

1. Each new passenger ship shall be subjected by the Administration of the flag State to the surveys specified in points (a), (b) and (c) :

(a) a survey before the ship is put into service;

(b) a periodical survey once every 12 months;

(c) additional surveys, as the occasion arises.

2. Each existing passenger ship shall be subjected by the Administration of the flag State to the surveys specified in points (a), (b) and (c) :

(a) an initial survey, before the ship is put into service on domestic voyages in a host State, for existing ships engaged on domestic voyages in the Member State the flag of which they are entitled to fly;

(b) a periodical survey once every 12 months;

(c) additional surveys, as the occasion arises.

3. Each high speed passenger craft having to comply, in accordance with the provisions of Article 6(4), with the requirements of the High Speed Craft Code (HSC Code), shall be subject by the Administration of the flag State to the surveys required in that Code.

High speed passenger craft, having to comply, in accordance with the provisions of Article 6(4), with the requirements of the DSC Code as amended, shall be subject by the Administration of the flag State ⌦ to ⌫ the surveys required in the DSC Code.

4. The relevant procedures and guidelines for surveys for the Passenger Ship Safety Certificate specified in IMO Assembly Resolution A.746(18) of 4 November 1993 on survey guidelines under the harmonised system of survey and certification, or procedures designed to achieve the same goal, shall be followed.

5. The surveys mentioned in paragraphs 1, 2 and 3 shall be carried out by the exclusive surveyors of the Administration of the flag State itself, ⌦ or ⌫ of a recognised organisation or of the Member State authorised by the flag State to carry out surveys, with the purpose of ensuring that all applicable requirements of this Directive are complied with.

Article 13

Certificates

1. All new and existing passenger ships shall be provided with a Passenger Ship Safety Certificate in compliance with this Directive. The certificate shall have a format as laid down in Annex II. This certificate shall be issued by the Administration of the flag State after an initial survey, as described in Article 12(1)(a) and (2)(a), has been carried out.

2. The Passenger Ship Safety Certificate shall be issued for a period not exceeding 12 months. The period of validity of the certificate may be extended by the Administration of the flag State for a period of grace of up to one month from the date of expiry stated on it. When an extension has been granted, the new period of validity of the certificate ⌦ shall ⌫ start from the expiry date of the existing certificate before its extension.

Renewal of the Passenger Ship Safety Certificate shall be issued after a periodical survey, as described in Article 12(1)(b) and (2)(b), has been carried out.

3. For high speed passenger craft complying with the requirements of the HSC Code, a High Speed Craft Safety Certificate and a Permit to Operate High Speed Craft shall be issued by the Administration of the flag State, in accordance with the provisions of the HSC Code.

For high speed passenger craft complying with the requirements of the DSC Code as amended, a DSC Construction and Equipment Certificate and a DSC Permit to operate shall be issued by the Administration of the flag State, in accordance with the provisions of the DSC Code.

Before issuing the Permit to Operate for high speed passenger craft engaged on domestic voyages in a host State, the Administration of the flag State shall concur with the host State on any operational conditions associated with operation of the craft in that State. Any such conditions shall be shown by the Administration of the flag State on the Permit to Operate.

4. Exemptions granted to ships or craft under and in accordance with the provisions of Article 9(3) shall be noted on the ship's or the craft's certificate.

Article 14

SOLAS Convention regulations

1. With regard to passenger ships engaged on international voyages the Community shall submit ⌦ requests ⌫ to the IMO to:

↓ 98/18/EC

(a) expedite the on-going work within the IMO to revise the regulations of the 1974 SOLAS Convention Chapters II-1, II-2 and III containing issues left to the discretion of the Administration, to establish harmonised interpretations for those regulations and to adopt amendments to the latter accordingly;

(b) adopt measures for mandatory application of the principles underlying the provisions of MSC Circular 606 on Port State Concurrence with SOLAS Exemptions.

↓ 98/18/EC (adapted)

2. The ⌦ requests ⌫ referred to in paragraph 1 shall be made by the Presidency of the Council and the Commission, on the basis of the harmonised regulations laid down in Annex I .

All Member States shall do their utmost to ensure that the IMO undertakes the development of the said regulations and measures expeditiously.

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.

Article 16

⌦ Notification ⌫

Member States shall immediately notify to the Commission ⌦ the main ⌫ provisions of ⌦ national ⌫ law which they adopt in the field ⌦ covered ⌫ by this Directive. The Commission shall inform the other Member States thereof.

↓

Article 17

Repeal

Directive 98/18/EC, as amended by the Directives listed in Annex IV, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex IV, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

↓ 98/18/EC (adapted)

Article 18

Entry into force

This Directive shall enter into force on the ⌦ twentieth ⌫ day following ⌦ that of ⌫ its publication in the *Official Journal of the European* ⌦ *Union* ⌫.

↓ 98/18/EC

Article 19

Addressees

This Directive is addressed to the Member States.

Done at Brussels, […]

For the European Parliament
The President
[…]

For the Council
The President
[…]

↓ 2002/25/EC Art. 1 and Annex

ANNEX I

SAFETY REQUIREMENTS FOR NEW AND EXISTING PASSENGER SHIPS ENGAGED ON DOMESTIC VOYAGES

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CHAPTER I

GENERAL PROVISIONS

Where expressly provided, the regulations of this Annex are applicable to new and existing passenger ships of class A, B, C and D, engaged on domestic voyages.

↓ 2002/25/EC Art. 1 and Annex (adapted)

New class B, C and D ships having a length of less than 24 metres have to comply with the requirements of Regulations II-1/B/2 to II-1/B/8 and II-1/B/10 ⌦ set out in ⌫ this Annex, unless the Administration of a flag State, whose flag such ships are entitled to fly, ensures that they comply with the flag State's national rules and that such rules guarantee an equivalent level of safety.

Where regulations of this Annex do not apply to new ships of less than 24 metres in length, the Administration of the flag State shall ensure that an equivalent safety level for such ships is provided through compliance with national rules.

Existing class C and D ships do not have to comply with the regulations of Chapters II-1 and II-2 of this Annex, provided that the Administration of a flag State, which flag such ships are entitled to fly, ensures that they comply with the flag State's national rules and that such rules guarantee an equivalent level of safety.

Wherever the application of an IMO resolution is required in this Annex for existing ships, ships constructed until two years after the date of adoption by IMO of such resolution need not comply with such resolution provided they comply with the applicable previous resolution(s), if any.

Under repairs, alterations and modifications of a 'major character' is understood, by way of example:

– any change that substantially alters the dimensions of a ship,

  example: lengthening by adding new midbody,

– any change that substantially alters the passenger-carrying capacity of a ship,

  example: vehicle deck converted to passenger accommodation,

– any change that substantially increases a ship's service life,

  example: renewal of passenger accommodation on one entire deck.

The indication '(R…)' that follows several titles of regulations in this Annex refers to the regulations of the 1974 SOLAS Convention, as amended, on which the regulations ⌦ set out in ⌫ this Annex have been based.

CHAPTER II-1

CONSTRUCTION — SUBDIVISION AND STABILITY, MACHINERY AND ELECTRICAL INSTALLATIONS

PART A

GENERAL

1 Definitions relating to Part B (R 2)

NEW CLASS B, C AND D AND EXISTING CLASS B SHIPS:

.1 .1 *Subdivision load line* is the waterline used in determining the subdivision of the ship.

.2 *Deepest subdivision load line* is the waterline which corresponds to the greatest draught permitted by the subdivision requirements which are applicable.

.2 *Length of the ship* is the length measured between perpendiculars taken at the extremities of the deepest subdivision load line.

.3 *Breadth of the ship* is the extreme width from outside of frame to outside of frame at or below the deepest subdivision load line.

.4 *Draught* is the vertical distance from the moulded base line amidships to the subdivision load line in question.

.5 *Deadweight* is the difference in tonnes between the displacement of a ship in water of a specific gravity of 1,025 at the load waterline corresponding to the assigned summer freeboard and the lightweight of the ship.

.6 *Lightweight* is the displacement of a ship in tonnes without cargo, fuel, lubricating oil, ballast water, fresh water and feedwater in tanks, consumable stores, and passengers and crew and their effects.

.7 *Bulkhead deck* is the uppermost deck up to which the transverse watertight bulkheads are carried.

.8 *Margin line* is a line drawn at least 76 mm below the upper surface of the bulkhead deck at side.

.9 *Permeability of a space* is the percentage of that space which can be occupied by water. The volume of a space which extends above the margin line shall be measured only to the height of that line.

.10 *Machinery space* is to be taken as extending from the moulded base line to the margin line and between the extreme main transverse watertight bulkheads, bounding the spaces containing the main and auxiliary propulsion machinery, and boilers serving the needs of propulsion.

.11 *Passenger spaces* are those spaces which are provided for the accommodation and use of passengers, excluding baggage, store, provision and mail rooms.

.12 *Watertight* in relation to structure means capable of preventing the passage of water through the structure in any direction under the head of water likely to occur in the intact or damage condition.

.13 *Weathertight* means that water will not penetrate into the ship in any sea conditions.

.14 *Ro-ro passenger ship* means a passenger ship with ro-ro cargo spaces or special category spaces as defined in Regulation II-2/A/2.

2 Definitions relating to Parts C, D, and E (R 3)

NEW CLASS B, C AND D AND EXISTING CLASS B SHIPS:

.1 .1 *Steering gear control system* is the equipment by which orders are transmitted from the navigating bridge to the steering gear power units. Steering gear control systems comprise transmitters, receivers, hydraulic control pumps and their associated motors, motor controllers, piping and cables.

.2 *Main steering gear* is the machinery, rudder actuators, steering gear power units, if any, and ancillary equipment and the means of applying torque to the rudder stock (e.g. tiller or quadrant) necessary for effecting movement of the rudder for the purpose of steering the ship under normal service conditions.

.2 *Steering gear power unit* is:

.1 in the case of electric steering gear, an electric motor and its associated electrical equipment;

.2 in the case of electrohydraulic steering gear, an electric motor and its associated electrical equipment and connected pump;

.3 in the case of other hydraulic steering gear, a driving engine and connected pump.

.3 *Auxiliary steering gear* is the equipment other than any part of the main steering gear necessary to steer the ship in the event of failure of the main steering gear but not including the tiller, quadrant or components serving the same purpose.

.4 *Normal operational and habitable condition* is a condition under which the ship as a whole, the machinery, services, means and aids ensuring propulsion, ability to steer, safe navigation, fire and flooding safety, internal and external communications and signals, means of escape, and emergency boat winches, as well as the designed comfortable conditions of habitability are in working order and functioning normally.

.5 *Emergency condition* is a condition under which any services needed for normal operational and habitable conditions are not in working order due to failure of the main source of electrical power.

.6 *Main source of electrical power* is a source intended to supply electrical power to the main switchboard for distribution to all services necessary for maintaining the ship in normal operational and habitable condition.

.7 *Dead ship condition* is the condition under which the main propulsion plant, boilers and auxiliaries are not in operation due to the absence of power.

.8 *Main generating station* is the space in which the main source of electrical power is situated.

.9 *Main switchboard* is a switchboard which is directly supplied by the main source of electrical power and is intended to distribute electrical energy to the ship's services.

.10 *Emergency switchboard* is a switchboard which in the event of failure of the main electrical power supply system is directly supplied by the emergency source of electrical power or the transitional source of emergency power and is intended to distribute electrical energy to the emergency services.

.11 *Emergency source of electrical power* is a source of electrical power, intended to supply the emergency switchboard in the event of failure of the supply from the main source of electrical power.

.12 *Maximum ahead service speed* is the greatest speed which the ship is designed to maintain in service at sea at the deepest seagoing draught.

.13 *Maximum astern speed* is the speed which it is estimated the ship can attain at the designed maximum astern power at the deepest seagoing draught.

.14(a) *Machinery spaces* are all machinery spaces of category A and all other spaces containing propelling machinery, boilers, oil fuel units, steam and internal combustion engines, generators and major electrical machinery, oil filling stations, refrigerating, stabilising, ventilation and air conditioning machinery, and similar spaces, and trunks to such spaces.

.14(b) *Machinery spaces of category A* are those spaces and trunks to such spaces which contain:

.1 internal combustion machinery used for main propulsion; or

.2 internal combustion machinery used for purposes other than main propulsion where such machinery has in the aggregate a total power output of not less than 375 kW; or

.3 any oil-fired boiler or oil fuel unit.

.15 *Power actuating system* is the hydraulic equipment provided for supplying power to turn the rudderstock, comprising a steering gear power unit or units, together with the associated pipes and fittings, and a rudder actuator. The power actuating systems

may share common mechanical components, i.e. tiller, quadrant and rudder stock, or components serving the same purpose.

.16 *Control stations* are those spaces in which the ship's radio or main navigating equipment or the emergency source of power is located or where the fire recording or fire control equipment is centralised.

PART B

INTACT STABILITY, SUBDIVISION AND DAMAGE STABILITY

1 Intact stability Resolution A.749 (18)

NEW CLASS A, B, C AND D SHIPS OF 24 METRES IN LENGTH AND ABOVE:

All classes of new ships of 24 metres in length and above shall comply with the relevant provisions for passenger ships of the Code on Intact Stability as adopted on 4 November 1993 by the IMO at the 18th session of its Assembly through Resolution A.749 (18).

Where Member States consider the application of the Severe Wind and Rolling Criterion of IMO Resolution A.749 (18) inappropriate, an alternative approach ensuring satisfactory stability may be applied. This should be supported by evidence to the Commission which confirms that an equivalent level of safety is achieved.

EXISTING CLASS A AND B SHIPS OF 24 METRES IN LENGTH AND ABOVE:

All existing class A and B ships shall, in all loading conditions, satisfy the following stability criteria after due correction for the effect of free surface of liquids in tanks in accordance with the assumptions of paragraph 3.3 of IMO Resolution A.749 (18), or equivalent.

(a) The area under the curve of righting lever (GZ curve) shall not be less than:

(i) 0,055 metre-radians up to an angle of heel of 30°;

(ii) 0,09 metre-radians up to an angle of heel of either 40° or the angle of flooding, i.e. the angle of heel at which the lower edges of any openings in the hull, superstructures or deckhouses, being openings that cannot be closed weathertight, are immersed, if that angle be less than 40°;

(iii) 0,03 metre-radians between the angles of heel of 30° and 40° or between 30° and the angle of flooding if this angle is less than 40°;

(b) The righting lever GZ shall be at least 0,20 metres at an angle of heel equal to or greater than 30°.

(c) The maximum righting lever GZ shall occur at an angle of heel preferably exceeding 30° but not less than 25°.

(d) The initial transverse metacentric height shall not be less than 0,15 metres.

The loading conditions to be considered in order to verify the compliance with the above stability criteria shall include at least those listed in paragraph 3.5.1.1 of IMO Resolution A.749 (18).

All existing ships of classes A and B having a length of 24 metres and over shall also comply with the additional criteria as given in IMO Resolution A.749(18), paragraph 3.1.2.6 (additional criteria for passenger ships) and paragraph 3.2 (Severe Wind and Rolling Criterion).

Where Member States consider the application of the Severe Wind and Rolling Criterion of A.749 (18) inappropriate, an alternative approach to ensuring satisfactory stability may be applied. This should be supported by evidence to the Commission which confirms that an equivalent level of safety is achieved.

2 Watertight subdivision

NEW CLASS B, C AND D AND EXISTING CLASS B SHIPS:

Every ship shall be subdivided by bulkheads, which shall be watertight up to the bulkhead deck, into watertight compartments the maximum length of which shall be calculated according to the specific requirements given below.

Instead of those requirements, the regulations on subdivision and stability of passenger ships as an equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea, 1960, as given in IMO Resolution A.265 (VIII) may be used, if applied in their entirety.

Every other portion of the internal structure which affects the efficiency of the subdivision of the ship shall be watertight.

3 Floodable length (R 4)

NEW CLASS B, C AND D AND EXISTING CLASS B SHIPS:

.1 The floodable length at a given point is the maximum portion of the length of the ship, having its centre at the point in question, which can be flooded, under the assumption for permeability given below, without the ship being submerged beyond the margin line.

.2 In case of a ship not having a continuous bulkhead deck, the floodable length at any point may be determined to an assumed continuous margin line which at no point is less than 76 mm below the top of the deck at side to which the bulkheads concerned and the shell are carried watertight.

.3 Where a portion of an assumed margin line is appreciably below the deck to which bulkheads are carried, the Administration of the flag State may permit a limited relaxation in the watertightness of those portions of the bulkheads which are above the margin line and immediately under the higher deck.

4 Permissible length of compartments (R 6)

NEW CLASS B, C AND D AND EXISTING CLASS B SHIPS:

The maximum permissible length of a compartment having its centre at any point in the ship's length is obtained from the floodable length by multiplying the latter by an appropriate factor called factor of subdivision.

5 Permeability (R 5)

NEW CLASS B, C AND D AND EXISTING CLASS B SHIPS:

The definite assumptions referred to in Regulation 3 relate to the permeability of the spaces below the margin line.

In determining the floodable length, the assumed average permeability of the spaces below the margin line shall be as indicated in the table in Regulation 8.3.

6 Subdivision factor

The factor of subdivision shall be:

FOR NEW CLASS B, C AND D SHIPS AND EXISTING CLASS B RO-RO PASSENGER SHIPS:

1,0 when the number of persons the ship is certified to carry is less than 400, and

0,5 when the number of persons the ship is certified to carry is 400 or more.

Existing class B ro-ro passenger ships have to comply with this requirement not later than the date of compliance laid down in Regulation II-1/B/8-2, paragraph 2.

FOR EXISTING CLASS B NON RO-RO PASSENGER SHIPS: 1,0

7 Special requirements concerning ship subdivision (R 7)

NEW CLASS B, C AND D AND EXISTING CLASS B SHIPS:

.1 Where in a portion or portions of a ship the watertight bulkheads are carried to a higher deck than in the remainder of the ship and it is desired to take advantage of this higher extension of the bulkheads in calculating the floodable length, separate margin lines may be used for each such portion of the ship provided that:

.1 the sides of the ship are extended throughout the ship's length to the deck corresponding to the upper margin line and all openings in the shell plating below this deck throughout the length of the ship are treated as being below a margin line, for the purpose of Regulation 15; and

.2 the two compartments adjacent to the ‘step’ in the bulkhead deck are each within the permissible length corresponding to their respective margin lines, and, in addition, their combined length does not exceed twice the permissible length based on the lower margin line.

.2 A compartment may exceed the permissible length determined by the rules of Regulation 4 provided the combined length of each pair of adjacent compartments to which the compartment in question is common does not exceed either the floodable length or twice the permissible length, whichever is less.

.3 A main transverse bulkhead may be recessed provided that all parts of the recess lie inboard of vertical surfaces on both sides of the ship, situated at a distance from the shell plating equal to one fifth of the breadth of the ship, and measured at right angles to the centreline at the level of the deepest subdivision load line. Any part of a recess which lies outside these limits shall be dealt with as a step in accordance with paragraph .6.

.4 Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision.

.5 Where a main transverse watertight compartment contains local subdivision and the Administration of the flag State is satisfied that, after any assumed side damage extending over a length of 3,0 metres plus 3 % of the length of the ship or 11,0 metres, or 10 % of the length of the ship whichever is the less, the whole volume of the main compartment will not be flooded, a proportionate allowance may be made in the permissible length otherwise required for such compartment. In such a case the volume of the effective buoyancy assumed on the undamaged side shall not be greater than that assumed on the damaged side.

Allowance under this paragraph will only be made if such allowance is not likely to prevent compliance with Regulation 8.

NEW CLASS B, C AND D SHIPS:

.6 A main transverse bulkhead may be stepped provided that it meets one of the following conditions:

.1 the combined length of the two compartments, separated by the bulkhead in question, does not exceed either 90 % of the floodable length or twice the permissible length, except that, in ships having a subdivision factor equal to 1, the combined length of the two compartments in question shall not exceed the permissible length;

.2 additional subdivision is provided in way of the step to maintain the same level of safety as that secured by a plane bulkhead;

.3 the compartment over which the step extends does not exceed the permissible length corresponding to a margin line taken 76 mm below the step.

.7 In ships of 100 metres in length and upwards, one of the main transverse bulkheads abaft the forepeak shall be fitted at a distance from the forward perpendicular which is not greater than the permissible length.

.8 If the distance between two adjacent main transverse bulkheads, or their equivalent plank bulkheads, or the distance between the transverse planes passing through the nearest stepped portions of the bulkheads, is less than 3,0 metres plus 3 % of the length of the ship, or 11,0 metres, or 10 % of the length of the ship, whichever is less, only one of these bulkheads shall be regarded as forming part of the subdivision of the ship.

.9 Where the required subdivision factor is 0,50, the combined length of any two adjacent compartments shall not exceed the floodable length.

8 Stability in damaged conditions (R 8)

NEW CLASS B, C AND D AND EXISTING CLASS B SHIPS:

.1.1 Sufficient intact stability shall be provided in all service conditions so as to enable the ship to withstand the final stage of flooding of any one main compartment which is required to be within the floodable length.

.1.2 Where two adjacent main compartments are separated by a bulkhead which is stepped under the conditions of Regulation 7.6.1, the intact stability shall be adequate to withstand the flooding of those two adjacent compartments.

.1.3 Where the required factor of subdivision is 0,50, the intact stability shall be adequate to withstand the flooding of any two adjacent compartments.

.2.1 The requirements of subparagraph .1 shall be determined by calculations which are in accordance with paragraphs .3, .4 and .6 and which take into consideration the proportions and design characteristics of the ship and the arrangement and configuration of the damaged compartments. In making these calculations the ship is to be assumed in the worst anticipated service condition as regards stability.

.2.2 Where it is proposed to fit decks, inner skins or longitudinal bulkheads of sufficient tightness to seriously restrict the flow of water, proper consideration is to be given to such restrictions in the calculations.

NEW CLASS B, C AND D SHIPS AND EXISTING CLASS B RO-RO PASSENGER SHIPS AND EXISTING CLASS B NON RO-RO PASSENGER SHIPS, CONSTRUCTED ON OR AFTER 29 APRIL 1990:

.2.3 The stability required in the final condition after damage, and after equalisation where provided, shall be determined as follows:

.2.3.1 The positive residual righting lever curve shall have a minimum range of 15° beyond the angle of equilibrium. This range may be reduced to a minimum of 10°, in the case where the area under the righting lever curve is that specified in subparagraph .2.3.2 multiplied by the ratio 15/range, where range is expressed in degrees.

.2.3.2 The area under the righting lever curve shall be at least 0,015 m-rad, measured from the angle of equilibrium to the lesser of:

.1 the angle at which progressive flooding occurs;

.2 22° (measured from upright) in the case of one-compartment flooding, or 27° (measured from the upright) in the case of the simultaneous flooding of two adjacent compartments.

.2.3.3 A residual righting lever is to be obtained within the range of positive stability, taking into account the greatest of the following heeling moments:

.1 the crowding of all passengers towards one side;

.2 the launching of all fully loaded davit-launched survival craft on one side;

.3 due to wind pressure;

as calculated by the formula:

$$\mathrm{GZ(metres)} = \frac{\text{heeling moment}}{\text{displacement}} + 0,04$$

However, in no case is the righting lever to be less than 0,10 metres.

.2.3.4 For the purpose of calculating the heeling moments in paragraph .2.3.3 the following assumptions shall be made:

.1 Moment due to crowding of passengers:

.1.1 four persons per square metre;

.1.2 a mass of 75 kg for each passenger;

.1.3 passengers shall be distributed on available deck areas towards one side of the ship on the decks where assembly stations are located and in such a way that they produce the most adverse heeling moment.

.2 Moment due to launching of all fully loaded davit-launched survival craft on one side:

.2.1 all lifeboats and rescue boats fitted on the side to which the ship has heeled after having sustained damage shall be assumed to be swung out fully loaded and ready for lowering;

.2.2 for lifeboats which are arranged to be launched fully loaded from the stowed position, the maximum heeling moment during launching shall be taken;

.2.3 a fully loaded davit-launched life-raft attached to each davit on the side to which the ship has heeled after having sustained damage shall be assumed to be swung out ready for lowering;

.2.4 persons not in the life-saving appliances which are swung out shall not provide either additional heeling or righting moment;

.2.5 life-saving appliances on the side of the ship opposite to the side to which the ship has heeled shall be assumed to be in a stowed position.

.3 Moments due to wind pressure:

.3.1 class B: a wind pressure of 120 N/m^2 to be applied;

classes C and D: a wind pressure of 80 N/m^2 to be applied;

.3.2 the area applicable shall be the projected lateral area of the ship above the waterline corresponding to the intact condition;

.3.3 the moment arm shall be the vertical distance from a point at one half of the mean draught corresponding to the intact condition to the centre of gravity of the lateral area.

.2.4 When major progressive flooding occurs, that is when it causes a rapid reduction in the righting lever of 0,04 metres or more, the righting lever curve is to be considered as terminated at the angle the progressive flooding occurs and the range and the area referred to in .2.3.1 and .2.3.2 should be measured to that angle.

.2.5 In cases where the progressive flooding is of limited nature that does not continue unabated and causes an acceptably slow reduction in righting lever of less than 0,04 metres, the remainder of the curve shall be partially truncated by assuming that the progressively flooded space is so flooded from the beginning.

.2.6 In intermediate stages of flooding, the maximum righting lever shall be at least 0,05 metres and the range of positive righting levers shall be at least 7. In all cases, only one breach in the hull and only one free surface need be assumed.

NEW CLASS B, C AND D AND EXISTING CLASS B SHIPS:

.3 For the purpose of making damaged stability calculations the volume and surface permeabilities shall be as follows:

Spaces	Permeability (%)
Appropriated to cargo or stores	60
Occupied by accommodations	95
Occupied by machineries	85
Intended for liquids	0 or 95(*)

(*) Whichever results in more severe requirements.

Higher surface permeabilities are to be assumed in respect of spaces which, in the vicinity of the damaged waterplane, contain no substantial quantity of accommodation or machinery and spaces which are not generally occupied by any substantial quantity of cargo or stores.

.4 Assumed extent of damage shall be as follows:

.1 longitudinal extent: 3,0 metres plus 3 % of the length of the ship, or 11,0 metres or 10 % of the length of the ship, whichever is less;

.2 transverse extent (measured inboard from the ship's side, at right angles to the centreline at the level of the deepest subdivision load line): a distance of one fifth of the breadth of the ship; and

.3 vertical extent: from the base line upwards without limit;

.4 if any damage of lesser extent than that indicated in .4.1, .4.2, .4.3 would result in a more severe condition regarding heel or loss of metacentric height, such damage shall be assumed in the calculations.

.5 Unsymmetrical flooding is to be kept to a minimum consistent with efficient arrangements. Where it is necessary to correct large angles of heel, the means adopted shall, where practicable, be self-acting, but in any case where controls to cross-flooding fittings are provided they shall be operable from above the bulkhead deck. For new class B, C and D ships the maximum angle of heel after flooding but before equalisation shall not exceed 15°. Where cross-flooding fittings are required the time for equalisation shall not exceed 15 minutes. Suitable information concerning the use of cross-flooding fittings shall be supplied to the master of the ship.

.6 The final conditions of the ship after damage and, in the case of unsymmetrical flooding, after equalisation measures have been taken shall be as follows:

.1 in the case of symmetrical flooding there shall be a positive residual metacentric height of at least 50 mm as calculated by the constant displacement method;

.2a unless provided otherwise in paragraph .6.2b, in the case of unsymmetrical flooding the angle of heel for one-compartment flooding shall not exceed 7° for class B ships (new and existing) and 12° for classes C and D ships (new).

For the simultaneous flooding of two adjacent compartments, a heel of 12° may be permitted for existing and new class B ships, provided that the factor of subdivision is nowhere greater than 0,50 in that part of the ship that is flooded;

.2b for existing class B non ro-ro passenger ships, constructed before 29 April 1990, in the case of unsymmetrical flooding, the angle shall not exceed 7°, except that in exceptional cases the Administration may allow additional heel due to the unsymmetrical moment, but in no case the final heel shall exceed 15°.

.3 in no case shall the margin line be submerged in the final stage of flooding. If it is considered that the margin line may become submerged during an intermediate stage of flooding, the Administration of the flag State may require such investigations and arrangements as it considers necessary for the safety of the ship.

.7 The master of the ship shall be supplied with the data necessary to maintain sufficient intact stability under service conditions to enable the ship to withstand the critical damage. In the case of ships requiring cross-flooding, the master of the ship shall be informed of the conditions of stability on which the calculations of heel are based and be warned that excessive heeling might result should the ship sustain damage when in a less favourable condition.

.8 The data referred to in paragraph .7 to enable the master to maintain sufficient intact stability shall include information which indicates the maximum permissible height of the ship's centre of gravity above keel (KG), or alternatively the minimum permissible metacentric height (GM), for a range of draughts or displacements sufficient to include all service conditions. The information shall show the influence of various trims taking into account the operational limits.

.9 Each ship shall have scales of draughts marked clearly at the bow and stern. In the case where the draught marks are not located where they are easily readable, or operational constraints for a particular trade make it difficult to read the draught marks, then the ship shall also be fitted with a reliable draught indicating system by which the bow and stern draughts can be determined.

.10 On completion of loading of the ship and prior to its departure, the master shall determine the ship's trim and stability and also ascertain and record that the ship is in compliance with stability criteria in the relevant regulations. The determination of the ship's stability shall always be made by calculation. An electronic loading and stability computer or equivalent means may be used for this purpose.

.11 No relaxation from the requirements for damage stability may be considered by the Administration of the flag State unless it is shown that the intact metacentric height in any service condition necessary to meet these requirements is excessive for the service intended.

.12 Relaxations from the requirements for damage stability shall be permitted only in exceptional cases and subject to the condition that the Administration of the flag State is to be satisfied that the proportions, arrangements and other characteristics of the ship are the most favourable to stability after damage which can practically and reasonably be adopted in the particular circumstances.

8-1 Stability of ro-ro passenger ships in damaged conditions (R 8-1)

EXISTING CLASS B RO-RO PASSENGER SHIPS:

.1 Existing class B ro-ro passenger ships shall comply with Regulation 8, not later than the date of the first periodical survey after the date of compliance prescribed below, according to the value of A/Amax as defined in the Annex of the Calculation Procedure to Assess the Survivability Characteristics of Existing Ro-Ro Passenger Ships When Using a Simplified Method Based Upon Resolution A.265 (VIII), developed by the Maritime Safety Committee at its 59th session in June 1991 (MSC/Circ. 574):

Value of A/Amax:	*Date of compliance:*
less than 85 %	1 October 1998
85 % or more but less than 90 %	1 October 2000
90 % or more but less than 95 %	1 October 2002
95 % or more but less than 97,5 %	1 October 2004
97,5 % or more	1 October 2005

8-2 Special requirements for ro-ro passenger ships carrying 400 persons or more (R 8-2)

NEW CLASS B, C AND D AND EXISTING CLASS B RO-RO PASSENGER SHIPS:

Notwithstanding the provisions of Regulation II-1/B/8 and II-1/B/8-1:

.1 new ro-ro passenger ships certified to carry 400 persons or more shall comply with the provisions of paragraph .2.3 of Regulation II-1/B/8, assuming the damage applied anywhere within the ship's length L; and