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**INFORMATION NOTE**

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from : Commission

to : Council

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Subject: Passenger ship safety review and possible legislative and response measures  
*- Information from the Commission*

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Delegations will find annexed a note from the Commission on the above-mentioned subject, which will be dealt with under "any other business" at the meeting of the Council (Transports, Telecommunications and Energy) on 22 March 2012.

Information Note from the Commission**Passenger ship safety review and possible legislative and response measures**

The Costa Concordia cruise liner accident is currently subject to an accident investigation of which the governing principles are established by Directive 2009/18/EC. Without prejudice to the outcome of the investigation, the Commission's work to revise the passenger ship safety legislation has been ongoing since 2010 which should result in a number of proposals at the end of this year. The Commission considers it appropriate to review as an element of continuous safety improvement issues such as damage stability, orderly evacuation, communication and training.

The Commission intends to follow a three-pronged approach on passenger ship safety as a commensurate way to foster the safety of passenger ships on domestic and international voyages. This approach includes: (i) updating and/or amending existing EU legislation and (co)-sponsoring submissions for international standards setting at the IMO, (ii) continue enforcing and implementing existing rules and draw any lessons from best practices and, (iii) promoting voluntary commitments of the industry. The action strands dealing with the setting of rules and standards should take into account relevant results from research and technological developments.

These three strands of action support a policy that is safety conscious, immediate in terms of voluntary commitments and enforcement measures but also measured in terms of legislative action, and takes into consideration the circumstances and the results of the accident investigation following the Costa Concordia casualty.

*Legislative proposals*

In relation to legislative proposals our suggested approach is a staged one: the Commission is working on the proposals planned for 2012, the intention is that these are to be followed by other specific legislative measures towards the end of 2013. For some of the proposals a twin track could be followed: proposed EU legislation can be injected into IMO in parallel. On this particular aspect the Commission is seeking a coordinated European response with regard to passenger safety related submissions to the International Maritime Organisation, and in particular the Maritime Safety Committee (MSC).

The originally scheduled passenger ship safety legislation review has been ongoing since 2010 and the Commission intends presenting still in 2012 new rules and safety standards for passenger ships. The Commission plans a revision of Directive 2009/45/EC with respect to its simplification, scope and coverage for smaller passenger ships and ships built in materials other than steel as well as sailing and historic ships.

In addition, following technical studies undertaken and following on from research projects, there are indications pointing to a possibility of improving within the IMO the current SOLAS 2009 rules regarding ship stability in case of damage for the specific type of roll-on-roll-off passenger vessels and in parallel modernise stability requirements the same type of vessels<sup>1</sup> under EU rules (Directive 2003/25/EC).

There are other measures, including legislative, which merit being looked at but which require further impact assessment taking into account, where appropriate, the results of the Costa Concordia accident investigation. Hence, the following initiatives could follow at a **later** stage:

- For passenger ships, including cruise ships, IMO rules on safe return to port as well as orderly evacuation and abandonment of the ship, could be enacted in EU law. It may also be appropriate to look at how the IMO guidance for water tight doors on passenger ships is applied in practice and consider enacting them at EU level.
- Examine further the SOLAS 2009 stability rules for other types of passenger ships, including cruise vessels.
- Finally, cruise ships and passenger ships on non-regular services could be included in the current mandatory survey regime for ro-pax vessels (Directive 1999/35).

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<sup>1</sup> So called Ro-pax ferries transport passengers and vehicles.

### *Enforcement and implementation*

Some aspects and issues arising from the Costa Concordia accident should be looked at from the point of view of enforcement and implementation of current EU legislation in and with the Member States. Member States as flag States and port States have a responsibility to enforce the robust regime already in place and the European Maritime Safety Agency (EMSA), as part of its ongoing tasks, is carrying out inspection visits to monitor implementation of a number of EU maritime safety instruments. This includes in 2012 the EU regime for the registration of persons on board (Council Directive 98/41/EC). The evaluation of such inspection visits may add elements for further legislative or other response measures.

### *Voluntary Industry Commitments*

The measures announced by the cruise industry following the Costa Concordia accident should be noted as effective and immediate voluntary improvements. Considering our Maritime Transport Policy until 2018, which refers to the re-launching of the Quality Shipping Campaign, the Commission is exploring with the relevant industry the possibility of Voluntary Industry Commitments for Passenger Ship Safety e.g. bridge team procedures including continuous training and assessment of officers and crew. This could result in quick application and implementation, committing the industry but also balancing and maintaining a growth sector. However, for such commitments to work one would need to ensure they are honoured in practice, and we should not exclude the possibility of legislative measures should it become necessary.

The Commission invites Member States to take note of the approach outlined in this document and, more particularly, welcomes constructive coordination in making submissions to IMO.

Finally, the Commission wishes to draw the attention of Member States to invitations that are being sent for the stakeholder conference on passenger ship safety, to be held in Brussels on 24 April.