



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 November 2012

16147/12

TRANS 392

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 12 November 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: SWD(2012) 378 final I

Subject: COMMISSION STAFF WORKING DOCUMENT
For the Council Shipping Working party
IMO – Joint EU submission and related Commission submission concerning
proposals to improve the SOLAS 2009 damage stability regulations for ro-ro
passenger ships, to the 55th session of the Stability and Load Lines and Fishing
Vessels Safety (SLF 55) meeting in London from 18-22 February 2013

Delegations will find attached Commission document SWD(2012) 378 final I.

Encl.: SWD(2012) 378 final I



Brussels, 12.11.2012
SWD(2012) 378 final

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For the Council Shipping Working party

IMO – Joint EU submission and related Commission submission concerning proposals to improve the SOLAS 2009 damage stability regulations for ro-ro passenger ships, to the 55th session of the Stability and Load Lines and Fishing Vessels Safety (SLF 55) meeting in London from 18-22 February 2013

PURPOSE

This document encloses a draft joint EU submission to SLF 55, which seeks to improve the SOLAS 2009 damage stability regulations by proposing specific amendments for ro-ro passenger ships with the aim to address accumulated water on the vehicle deck of such ships when it occurs. A related draft Commission submission (INF document) is also enclosed.

BACKGROUND

1. Following a proposal in MSC 84/22/12, MSC 84 agreed to include a high priority item on "Damage stability regulations for ro-ro passenger ships" in the Sub-Committee's work programme.
2. The Sub-Committee, at its 52nd session, noted the general view of the SDS Working Group that more research and evaluation of further studies were important and necessary before considering any possible additional measures for the improvement of the damage stability regulations for ro-ro passenger ships.
3. The Sub-Committee at its 53rd session, instructed the SDS Correspondence Group to further consider the impact of the SOLAS 2009 amendments on ro-ro passenger ships, as compared to the SOLAS 1990 regulations in association with the Stockholm Agreement.
4. The Sub-Committee at its 54th session instructed the SDS Correspondence Group to further consider potential damage stability deficiencies on ro-ro passenger ships under SOLAS 2009 requirements and develop amendments as considered necessary.
5. In July 2009 the final report of a first study, commissioned by the European Maritime Safety Agency (EMSA), on ro-ro passenger vessels¹ was published. This study was carried out by the Hamburgische Schiffbau-Versuchsanstalt GmbH (HSVA) and proposed to leave the damage stability rules in SOLAS 2009 in their present form and to develop an additional, separate Water-on-Deck (WOD) criterion for ro-ro passenger ships.

¹ HSVA – Seakeeping and Manoeuvring Final Report Part I (N° 1669) – Research for the Parameters of the Damage Stability Rules including the Calculation of Water on Deck of Ro-Ro Passenger Vessels, for the amendment of the Directives 2003/25/EC and 98/18/EC. The report may be downloaded from <http://www.emsa.europa.eu/news-a-press-centre/external-news/weblink/21/1457/1.html>

6. In December 2011 the final report of the second study, commissioned by EMSA, on ro-ro passenger ships was published². The objective of the second study, which was led by the Ship Stability Research Centre (SSRC) of the University of Strathclyde (UoS), was to propose possible amendments of the SOLAS 2009 damage stability requirements such that the WOD problem of ro-ro passenger ships is taken into account and to identify potential damage stability issues.
7. The results of the UoS study were presented in the margins of SLF 53. Based also on the findings of the HARDER project³, the UoS a.o. specifically proposed to amend the formulation of the s_i factor formulation in SOLAS regulation 7.2 of chapter II-1.
8. During the subsequent internal discussions with experts within the EU an alternative solution was proposed, namely a different s_i formulation based on design experience and guided by the intact stability criteria, with the objective to address the impact of accumulated water on deck.

UNION INTEREST

In the aftermath of the Estonia disaster extra damage stability requirements to address accumulated water on the vehicle deck of ro-ro passenger ships were posed in the North Western European Member States through a regional agreement under the SOLAS Convention (the so-called 'Stockholm Agreement'). These extra requirements were later laid down in Directive 2003/25/EC and thus became part of the EU acquis and are complementary to the damage stability requirements as laid down in SOLAS at that time (SOLAS 90). The SOLAS 90 requirements are included in Directive 2009/45/EC, which furthermore requires that ro-ro passenger ships in domestic trade also comply with Directive 2003/25/EC.

On 1 January 2009 new damage stability requirements entered into force at international level. Contrary to the old deterministic requirements (SOLAS 90) the new requirements follow a probabilistic approach.

Directive 2003/25/EC has not been amended yet in order to refer to the SOLAS 2009 damage stability requirements, since these new requirements are not compatible with the requirements in Directive 2003/25/EC. In Directive 2009/45/EC however, the SOLAS 2009 requirements have been incorporated. In that Directive there now is a choice: either SOLAS 90 can be used or SOLAS 2009.

Through the above mentioned research projects the question was addressed whether the problem of accumulation of water on the vehicle deck would be sufficiently addressed in the new probabilistic damage stability requirements.

As according to the results of the research this was not the case, the proposal presented in the IMO submission aims to improve the calculation method for damage stability requirements for ro-ro passenger ships on the point of accumulation of water on the vehicle deck, which as

² UoS – Study of the specific damage stability parameters of Ro-Ro passenger vessels according to SOLAS 2009 including water on deck calculation – Project no EMSA/OP/08/2009. The report and its annexes may be downloaded from <http://emsa.europa.eu/implementation-tasks/ship-safety-standards/items/id/1457.html?cid=92>

³ Cantekin Tuzcu and Sigmund Rusaas, - Recommended new harmonized probabilistic damage stability regulations – factor s_i , HARDER No: GRD1-1999-10721, 2003-05-31

explained above is also addressed by Directive 2003/25/EC, and would affect the substance of Directive 2009/45/EC if adopted.

Therefore, the adoption of new damage stability requirements under the SOLAS Convention come under exclusive EU competence which the Union has acquired pursuant to Article 3 (2) TFEU, in so far as the adoption of the requirements at stake would affect the common rules laid down in Directive 2009/45/EC. On top of that, if accepted by the IMO, the new method would allow - at a later stage and based on a proposal from the Commission- for achieving coherence between the EU regime applying to ro-ro passenger ships and an up-to-date version of the SOLAS Convention.

Proposal

The Commission proposes that SLF 55 should consider the two proposals for s_i further as well as the concept for a requirement on residual freeboard in the SOLAS 2009 damage stability regulations, in view of amending the SOLAS 2009 damage stability requirements with the objective to address the impact of accumulated water on the vehicle deck of a ro-ro passenger ship when it occurs. Furthermore a summary of the results of the second study commissioned by EMSA is presented in a Commission information paper, which SLF 55 may take into account in its further deliberations.

ACTION REQUESTED

The Member States are invited to consider and approve the draft EU joint submission to the IMO annexed to this document and take note of the related information document to be submitted by the Commission.