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European Union

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## REPORT

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 1)

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Subject: ***Preparation of the Council meeting (Transport, Telecommunications and Energy) on 1<sup>st</sup> December 2016***  
Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/45/EC on safety rules and standards for passenger ships  
– General approach  
= *Statement by Germany and Ireland*

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Delegations will find attached a joint statement by Germany and Ireland to be included in the minutes of the Permanent Representatives Committee and of the Council.

**Statement by Ireland and Germany on the Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/45/EC on safety rules and standards for passenger ships**

**Concerning Sailing Ships**

The stated aims of Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships is for the attainment of a high level of safety and the removal of barriers to trade, by setting harmonised safety standards at an appropriate level for passenger ships and craft operating domestic services.

However, Ireland and Germany consider that the Refit proposal does not achieve these goals. This is because the refit exercise removes sailing ships from the scope of the directive and it thus removes the harmonised safety standards and consequently introduces barriers to trade. The safety of sailing ships continues to be a major safety concern. There have been several high profile and very serious maritime casualties involving such ships including recently the Sail Training Vessel “Astrid” which sank off the coast of Ireland. Fortunately due to heroic rescue efforts all of the young passengers and crew on-board were rescued. The report of this casualty was published by the Marine Casualty Investigation Board of Ireland and all are encouraged to read this to see how close we came to a major maritime tragedy. This report highlighted many of the grave safety concerns associated with such ships and we should take this as a warning to urgently address the safety of these ships which carry so many young people. It is also notable that the casualty with the “Astrid” occurred when it was using its engine and so we consider that there is no justification for attempts in the proposed Refit to make a distinction between ships with sails and an engine and ships with just an engine as it is well known that these so-called sailing ships use their engines for significant amounts of time, even when under sail. The European public will not forgive us if there is a tragedy with such ships.

Additionally, Ireland and Germany highlight that removing such sailing ships from the scope of the directive will introduce barriers to their use throughout the EU as the existing harmonised standards will be replaced by a mix of varying national requirements. This will have an adverse impact on the use of such ships in cultural events such as tall ship races. It will also adversely impact in the market for the supply and sale of such ships.

It is also to be noted that such sailing ships fitted with an engine are within scope of the IMO SOLAS convention and are required to hold an international passenger ship safety certificate for international voyages between EU member states. This will not change if the refit amendments are adopted. As such sailing ships are within the scope of SOLAS, the EU Directive on Port State Control 2009/16/EC applies and they must be inspected in accordance with this Directive and entered into Thetis. Therefore, there is nothing to be gained by removing these ships from the Refit directive as doing so reduces maritime safety and introduces barriers to trade for such ships.

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