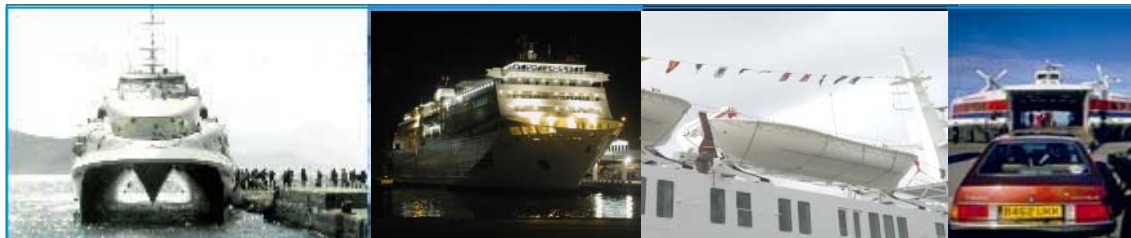




Improving passenger ship safety



A new set of proposed measures

In line with the White Paper on Transport Policy's aim of raising the standard of sea travel by 2010, the European Commission has proposed a new package of measures focused on Maritime Safety. These measures are geared towards ensuring reinforced passenger safety and accessibility on all ships in the European Union.

« The occurrence of ferry accidents in Europe, including fatal ones such as the *Estonia* and the *Express Samina*, reminds us of the need to ensure consistency between the rules that apply in the Community, irrespective of the flag of the ship »

Commission Vice-President Loyola de Palacio

1 Why more action needed

Though a series of measures proposed in the late 1990's in this area are now entering into force, more action is needed on three points :

- First, risk of accidents such as that of the *Estonia* in 1994 and the *Express Samina* in 2000 and their tragic consequences, can be drastically reduced if stability requirements for roll-on-roll-off passenger ships are heightened and harmonised across Europe.
- Second, given that all passengers irrespective of age or mobility should be able to use passenger ships and then that Europe now faces the challenge of an ageing population, the need for measures which guarantee safety and accessibility for all is of great necessity.
- Finally, existing international rules for ensuring that all carriers are held liable for the physical welfare of their passengers are too lax- a more passenger-friendly body of regulations needs to be put in place to enhance protection of passengers on ships operating in EU ports.

1994	1995	1996
1529	419	710
1997	1998	1999
248	552	403

Lives lost at sea



2 The Proposed Package

To deal with these challenges the Commission has put together a package of a Communication and two legislative proposals:

- Proposal to increase ship stability requirements for roll-on-roll-off ferries on international voyages
- Proposal to strengthen safety on-board all passenger ships operating domestically in the EU including increased stability requirements for roll-on-roll off ships
- The Commission's view on creating more passenger-friendly liability regulations

- 98/18 Directive on safety rules and standards for passenger ships
- 98/41 Directive on the registration of passengers
- 98/179 Regulation on the safe management of ro-ro ferries
- 99/35 Directive on mandatory safety surveys for ro-ro ferries and high speed crafts

Measures already in place since the mid 90s by the European Union

a Stability Requirements

The longer a ship is able to stay afloat in the event of an accident the more successful evacuation and rescue operations will be. Today, the need for enhanced ship stability is made even more pressing since roll-on-roll-off ships are of greater size and passenger population.

Simply put, roll-on-roll-off ferries with more people, cars, trucks and busses on board need enhanced stability potential and hence require strengthened regulatory guidelines.

Today almost all vessels on voyage to or from an EU port are required to fulfil **Solas 90** standards. Solas 90 is an international standard for passenger ship stability applied by all EU member states. However, the standard is not sufficiently high for all types of wave level.

Following two passenger ship disasters in the 1990's, eight north European states agreed to set a higher standard for ship stability in what has become known as the **Stockholm Agreement**. The eight states were Denmark, Finland, Germany, Ireland, the Netherlands, Sweden, the United Kingdom, and Norway.

Specifically, this agreement took into account the crucial effect of water accumulating on lower decks in the event of an accident.

In its « **Proposal for a European Parliament and Council Directive** » the Commission proposes extending the Stockholm stability requirements to all roll-on-roll-off **international** passenger ships. In addition, in its « **Proposal to amend Council Directive 98/18** » the Commission proposes extending the Stockholm stability requirements to roll-on-roll-off **domestic** passenger ships.

Proposal for a Directive on stability requirements for ro-ro passenger ships

and

Proposal for a modification of the passenger ships safety rules and standards Directive 98/18

In two proposed Directives

1970	1980	1990	1994
15,4	21,6	28,4	30,6

1995	1996	1997	1998
31,5	31,2	32,1	32,2

In 1000 million passenger km (passenger-km: transport of one passenger over one kilometer)

Waterborne passenger transport in the Union



New ships: ro-ro passenger ships built after 1/10/2004

International trips (from or to EU ports)		Stockholm Agreement applies
Domestic trips (within the same Member State)	Class A, B, C	Stockholm Agreement applies
	Class D	SOLAS 90

Existing ships: ro-ro passenger ships built prior 1/10/2004

International trips (from or to EU ports)		Stockholm Agreement by 1/10/2010	} If no compliance by 1/10/2010, phase out at the age of 30 years. Phase out deadline: 2015.
Domestic trips (within the same Member State)	Class A, B Class C, D	Stockholm Agreement by 1/10/2010 SOLAS 90 by 1/10/2010	

New proposed stability requirements

The Commission **does not envisage** strong difficulties or high cost for implementing the Stockholm stability requirements on roll-on-roll-off passenger ships operating in the EU. Research indicates that the cost of compliance for the Southern European Fleet should be close to that for compliance with Solas 90 requirements.

The Commission **foresees** strong benefits for Europe and European passengers from heightened and harmonised stability safety rules, as they will ensure safety and confidence throughout the Union.

b Improving Safety On-Board

The Council Directive 98/18 needs to be amended to simplify safety regulations and strengthen safety standards.

This proposal deals with four points.

- **Safety Guidelines for Passengers of Reduced Mobility**

Given that all persons irrespective of age or mobility should be able to use passenger ships and then that Europe now faces the challenge of an ageing population, the need for measures that guarantee safety and accessibility for all is of great necessity.

The Commission thus proposes inserting a new article and basic guidelines into the Directive regarding the safety requirements for passengers with reduced mobility to cover all classes of ship new and existing.

**Proposal for a modification of
the passenger ships safety
rules and standards Directive
98/18**

In one proposed Directive



- **Internet Publication of 'Sea Areas'**

Passenger ships are classed in 4 different categories A, B, C and D depending on their safety level. For safety reasons, certain ships from the lower classes are barred from sailing in certain 'sea areas'. A sea area is determined on the basis of its distance from a coast and the level of wave height. According to Directive 98/18, Member States had to notify the Commission of these sea areas. No harmonised format was set-up.

The Commission proposes the creation of a new Internet-based procedure where Member States will clearly publicize the location of sea areas in order to make the information easily accessible for the operators at Member State and EU level.

- **End the Derogation Granted to Greece**

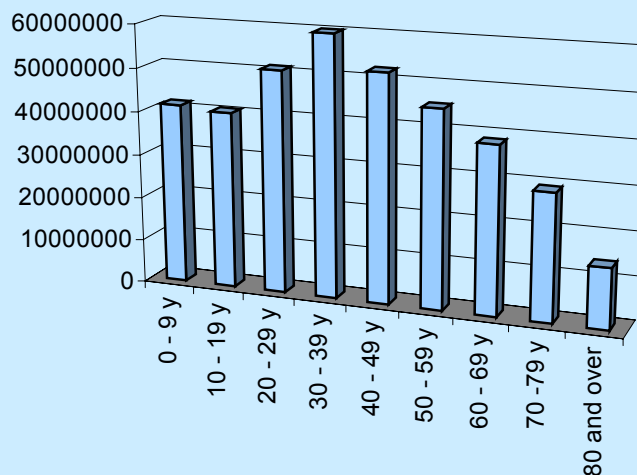
Certain ships of Class A and B operating in Greek waters and under the age of 35 are currently granted an exemption from complying with Directive 98/18. Greek authorities were required to give the Commission details of each ship.

The Commission proposes that the derogation granted to Greece should end from 2005. Only few Greek passenger-ships are affected.

- **Introduce the "High Speed Craft Code, 2000"**

Today short-voyage passenger ships are modern and fast. Since Directive 98/18 was made on EU level, an additional International High Speed Code has been elaborated for new ships. This new code was adopted on 5 December 2000 and applies to all vessels whose keels were laid on or after 1 July 2002.

The Commission proposes amending Directive 98/18 so that the EU can meet its international regulatory commitments.



EU population by age in the year 2000



The Commission also presents its views on how to improve the protection of passengers in case of accidents.

To date, the protection of passengers varies between Member States. There is no EU-wide regime. For example, financial compensations for death and injury show great discrepancies.

At the international level, the 1974 Athens Convention is applicable. However, only 6 Member States have ratified this Convention since the protection it provides is insufficient. Most important, the Convention is a fault-based regime - if the incident is not intentional, liability is limited to € 67 000 per passenger in case of death or personal injury. This shortcoming explains why the Athens Convention is currently under revision at the international level.

The Commission wishes to ensure that whatever the results of revision at international level, an adequate liability regime is put in place at EU level.

The Commission presents in its « **Communication** » its views on the key elements that an EU-wide maritime passenger liability regime should contain. Most important, liability should be independent of fault; € 250 000 should be the minimum limit for death and personal injury claims; and operators must take out compulsory insurance. It is notable that this liability regime is in line with that currently enforced in the aviation industry. These key elements will have to be implemented either in the context of the revised Athens Convention or as a separate EU-wide measure.

The Commission intends to make a proposal on the future EU maritime passenger regime before the end of 2002.

Strict liability

Liability should not be dependent on an act of fault or negligence by the carrier.

Sufficient limits of liability

€ 250 000 for death and personal injury claims is a minimum limit

Extended liability in case of fault or neglect

Liability for death and personal injury should be subject to a significantly higher limitation figure, if any.

Compulsory insurance

Shall apply to all carriers irrespective of flag or ship providing a service to or from an EU port.

Direct action

Claimants should be able to make their claims directly against the insurer.

National carrier

The liability regime should cover all transports in the Union, including carriage within a Member State.

Key elements of the future EU maritime passenger liability regime

For more information about this new package of measures, consult the Energy and Transport Directorate General web-site at :

http://europa.eu.int/comm/transport/themes/maritime/english/safety/index_safety.html