



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: Commission

to: Council

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

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 10 June 2012.

Information Note from the Commission

Passenger ship safety: status and follow-up

In the aftermath of the Costa Concordia accident that took place on 13th January 2012 the Commission set-out, in a note to the Transport Council of 22 March 2012, a three-pronged approach to enhancing passenger ship safety, as a commensurate way to foster the safety of passenger ships on domestic and international voyages. This approach included: (i) updating and/or amending existing EU legislation and (co)-sponsoring submissions for international standards setting at the IMO, (ii) continuing to enforce and implement existing rules and draw any lessons from best practices and, (iii) promoting voluntary commitments of the industry. These three strands of action have supported a policy that has proven safety conscious, immediate in terms of voluntary commitments and enforcement measures but also measured in terms of legislative action.

This note aims to give an update on the status and follow-up in each of the above mentioned three axes of action.

Legislation

IMO developments

At the international level, a standing agenda item on passenger ship safety was introduced in May 2012 for the Maritime Safety Committee (MSC) of the International Maritime Organization (IMO). A list of issues concerning passenger ship safety to be addressed pending the accident investigation report of the Costa Concordia has been established. It is also worth noting that the IMO Secretary General has advocated a reduction of 50% of the annual number of casualties by 2015.

Following the general initial support given at the Transport Council last year to proceed with a coordinated approach to passenger ship safety issues at IMO, important issues have advanced with European input. These include watertight doors within passenger ships, evacuation analysis, and damage stability. The Commission considers the damage stability issue of crucial importance, particularly as the IMO regulatory philosophy is to regard the ship as its own best lifeboat and because this is the most important requirement determining the survivability of a ship after an accident.

In December 2012, the Commission jointly with Member States submitted to the relevant IMO sub-committee possible alternatives to improve the Safety of Life at Sea (SOLAS) 2009 calculation method for the survivability of passenger ships in a damaged condition. More importantly, a joint submission on how to make progress on the issue with the aim to substantially increase the safety level provided by the IMO damage stability regulations for passenger ships has been submitted to the MSC for its meeting in June 2013. This is based on results of EU-funded research. The proposal is also supported by the United States who argues for a more ambitious timing to address the matter at hand.

An EU study¹ found that the safety level provided by the 2009 IMO damage stability regulations allow for one major accident (like the "Estonia" ferry accident in 1994) to occur approximately every 20 years. In view of the Commission, this risk should be reduced, in particular because the study results suggest that appropriate risk control options could bring down the acceptable risk levels to one such an accident every 100 years.

¹ 'Study of the specific damage stability parameters of ro-ro passenger vessels according to SOLAS 2009 including water on deck calculation', carried out by the Ship Stability Research Centre (SSRC) of the University of Strathclyde (UoS) commissioned by EMSA. This study started in December 2009 and finalised in June 2011.

In another EU research project bringing together major European ship yards, owners and classification societies² it was found that the safety level provided by the 2009 IMO damage stability regulations could be increased by cost-effective ship design measures, such that a passenger ship carrying 6000 people could survive 97% of all possible collisions, instead of only 84% according to today's standards.

As a starting point for the upcoming discussions in IMO, the Commission would like to underline the importance and urgency to increase the safety level provided by the 2009 IMO damage stability regulations; moreover, since the results from the EU research are widely supported, the proposed increase of safety levels³ should be the starting point for our negotiations for which we should aim to achieve a significant reduction of accepted risks levels for new passenger ships.

The 92nd session of the next IMO MSC meeting, to be held from 12 to 21 June 2013, will be an important milestone for passenger ship safety. The meeting will notably consider the report on the safety technical investigation of the Costa Concordia marine casualty⁴. The respective submission to the IMO⁵ contains preliminary recommendations on technical and operational issues, evacuation analysis, ship design and search & rescue issues.

EU developments

Independent of the Costa Concordia accident follow-up, the Commission plans to review some of the current EU passenger ship safety legislation. This review has been on-going since 2010:

² GOALDS: 'GOAL based Damage Stability project' which was carried out under the 7th EU Framework Programme for RTD under the Theme 'Sustainable Surface Transport'. The project started in September 2009 and finalised in August 2012.

³ IMO MSC 92/6/6 document

⁴ Ministry of Infrastructure and Transport, Maritime Casualties Investigative Body; Cruise ship Costa Concordia, Marine Casualty on January 12, 2012; Report on the safety technical investigation

⁵ IMO MSC 92/6/3 document

The Commission has continued with the 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 cruise ship tenders, and offshore worker vessels, and the assessment of the impacts created by such a 'reform'.

The Commission is looking into a possible revision of Directive 2003/25/EC on specific stability requirements for ro-ro passenger ships (the so-called Stockholm Agreement Directive passed after the Estonia ferry sinking in 1994). The revision aims to transpose into EU law in a consistent way the 'new' SOLAS 2009 approach, without compromising the existing safety level provided by that Directive. This will allow the EU to align the existing Directive with internationally agreed calculation methods for stability whilst at the same time maintaining as a minimum the safety levels currently required in the EU.

Enforcement and implementation

Safety rules require rigorous enforcement. However, contrary to the EU, the IMO has no comparable enforcing powers. The Commission has therefore initiated, with the European Maritime Agency (EMSA), and as part of its on-going work, visits to monitor the implementation of EU passenger ship safety legislation.

As an example, visits to Member States have been carried out targeting the registration of persons sailing on board passenger ships. Directive 98/41/EC on the registration of persons on board passenger ships requires the registration of specific information on the persons travelling on board passenger ships.

Furthermore, in May 2012 the Paris Memorandum of Understanding Port State Control Committee agreed to organise a Harmonized Verification Programme (HAVEP) on operational controls on cruise passenger vessels. The HAVEP is being carried out in all EU ports visited by cruise ships during 2013. The main purpose of the programme is to verify that in the event of a shipboard emergency the crew can organise themselves into an effective team to tackle the emergency, that officers and crew can communicate effectively with each other and with shore-based support and rescue services; that the Master is in charge and information is flowing to/from the command centre; and that the crew and passengers can safely abandon the ship.

Voluntary Industry Commitments

The Commission has encouraged industry to carry out their own operational safety review leading to Voluntary Industry Commitments on Passenger Ship Safety. The results are encouraging. The Voluntary Commitments already undertaken (such as safety drills, mandatory pre-route planning to prevent deviations from a selected route, recording the nationality of passengers, more lifejackets available on board, and stricter rules on access to the bridge) were concrete first results and were also endorsed in the IMO. Some of them were even approved as mandatory requirements: more stringent mustering immediately upon departure, emergency drills for passengers, restrictions on access to the bridge and voyage planning.

Conclusion

The Commission invites Member States to take note of the progress made so far on the passenger ship safety and, more particularly, welcomes further constructive coordination in advancing this approach, in particular in the IMO.