



OPINION

European Economic and Social Committee

Strengthened stability requirements applicable to ro-ro passenger vessels

Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/25/EC as regards the inclusion of improved stability requirements and its alignment with stability requirements defined by the International Maritime Organisation

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TEN/777

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1. **Conclusions and recommendations**

- 1.1 The EESC welcomes the proposal to amend the current rules on the safety of ro-ro passenger ships in damaged condition. It strongly advocates maintaining the highest possible safety standards in maritime transport. This is particularly important for the type of craft in question, which, due to their specific characteristics, are more vulnerable than other types of vessels.
- 1.2 Moreover, the EESC welcomes the efforts made to harmonise international rules, in this case bringing them into line with the international rules established by the IMO. It also appreciates the efforts made to simplify legislation that facilitates the use and application of these rules. We welcome the method of working on the project, in particular the in-depth consultation of experts in the field.
- 1.3 However, the EESC would like to stress that the examination of this proposal is extremely difficult due to the complicated and unclear drafting of the text. The provisions and clarifications thus designed actually run counter to the objective of the proposal, which is to facilitate the use and application of the aforementioned legal provisions. It is recommended that its transparency be increased, including through a graphical presentation of the targeted solutions with appropriate explanations.
- 1.4 The EESC is concerned about the temporary alternative solutions adopted in the proposal for newly built ships certified to carry 1 350 persons or fewer, and about the suggestion that these two options be evaluated ten years after the implementation of the amendment, as well as the announced revision of the Directive after the evaluation.
- 1.5 The EESC notes that the introduction of two alternatives for newly built ships would mean that the objective of the proposal to "reduce complexity and the technical and administrative burdens primarily stemming from the existence of two different regimes for evaluating the survivability of ro-ro passenger ships in damaged condition" is not fully achieved. Two alternative schemes are being proposed for a temporary period of 10 years.
- 1.6 In the EESC's view, the introduction of such temporary solutions will create a situation of uncertainty and further problems in the future. It should be stressed that fleet investments in this transport sector are of a long-term nature. The outlook set out in the proposal should therefore take into account the realities of the sector.
- 1.7 The EESC believes that the provision indicating the temporary application of alternative stability requirements should be replaced by a single solution for stability requirements in relation to newly built vessels carrying 1 350 and fewer people, so as not to create further problems with the consistency and clarity of the rules and to avoid the temporary nature of their application.
- 1.8 The EESC suggests the introduction of a periodic evaluation at set intervals, e.g. every 10 years. However, legislative action should not be prejudged on the basis of the conclusions of the evaluation. It is suggested that the bodies regulating these matters be continuously consulted with a view to improving safety.

1.9 In addition, in order to improve the readability of the proposal and to facilitate the application of the new rules, it is proposed that the content of the proposal be amended in such a way that previously built non-certified ships can comply with the existing standards applicable to previously built certified (or new) ships. Other ships should be subject to the new solutions.

2. **Summary of the Commission proposal and background to the opinion**

2.1 The Commission proposal concerns a modification of Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships.

This is linked to the launch of a legal review in 2017 under the Regulatory Fitness and Performance Programme (REFIT). At that time, Directives 2017/2108, 2017/2109 and 2017/2110 were amended

2.2 The fitness check also covered Directive 2003/25/EC governing specific stability requirements for ro-ro passenger ships. In view of the parallel discussions at the International Maritime Organisation (IMO) on stability standards for ships in damaged condition, it was decided to postpone the modification of the Directive. The IMO ultimately adopted revised specific provisions on stability standards for passenger ships in damaged condition by Resolution MSC.421(98) which also apply to ro-ro passenger ships. It is necessary to take into account those developments at international level and to align the Union rules and requirements with those established in the International Convention for the Safety of Life at Sea ("the SOLAS Convention") for ro-ro passenger ships engaged in international voyages.

2.3 According to the Commission, the overarching objective of the revision is to provide for a clear, simple and up-to-date legal framework that is easier to implement, monitor and enforce, thus increasing the overall safety level.

2.4 In addition, the revision of EU passenger ship safety rules aims to simplify and streamline the existing regulatory framework. The objective of this action is to maintain EU rules to the extent necessary and proportionate. The Commission also seeks to ensure their correct implementation and to eliminate potential overlaps and inconsistencies between related pieces of legislation. It should also be noted that the revision aims to reduce complexity and the technical and administrative burdens primarily stemming from the existence of two different regimes for assessing the survivability of ro-ro passenger ships with regard to the requirements for stability in damaged condition, and to rationalise the burden on enterprises and shipyard operators involved in such calculations.

2.5 For ships engaged in international voyages which involve routes between two Member States, international conventions (under the purview of the IMO, in particular the SOLAS Convention) and certain EU rules apply. In addition to the international requirements, passenger ships, ro-ro passenger ships and high-speed craft are subject to specific EU rules.

2.6 Directive 2003/25/EC lays down stability requirements for ro-ro passenger ships in damaged condition for all ro-ro passenger ships operating to or from a port of a Member State on a

regular service, regardless of their flag, when engaged in international voyages. It aims to ensure their stability following damage, improving the survivability of this type of vessel in the event of collision damage. The Directive is the result of the Stockholm Agreement of 1996. The specific EU stability requirements complement the SOLAS requirements on stability in damaged condition.

- 2.7 The proposed revision is the result of an assessment of the possibility of aligning the EU regulatory approach on specific stability requirements for ro-ro passenger ships with international legislation, providing that the current safety level determined by Directive 2003/25/EC be at least maintained.
- 2.8 Work on the proposal took the form of a targeted consultation. National experts were consulted in the framework of the Passenger Ship Safety Expert Group. The consultation resulted in the drawing up of a structure for damage stability requirements, which were defined taking into account vessel capacity.
- 2.9 Temporary alternative solutions are introduced in the proposal for newly built ships certified to carry 1 350 persons or fewer. These solutions are based on the following criteria: the date on which the keel was laid or the ship was at an equivalent stage of construction and the capacity of the ship to carry passengers on board.
- 2.10 The proposal envisages the introduction of monitoring and reporting mechanisms. The key data on newly built ships and damage stability calculations would be collected and evaluated with the assistance of EMSA. After ten years of implementation of the revised requirements, an evaluation would be carried out and the Directive would be revised.
- 2.11 The proposal also lays down rules for the certification of ro-ro ships with regard to the amended requirements.

3. **Comments**

- 3.1 Transport safety is one of the major challenges of today, and safety expectations are rising. The existence of different regulations makes it very difficult to implement and enforce agreed rules.
- 3.2 Ro-ro ships are considered more vulnerable than other vessels. This is linked to the specific nature of their construction, which is adapted to the transport of vehicles and passengers. Relatively small draughts and a high centre of gravity can cause stability problems. Other risks include high freeboard, use of loading doors as ramps, lack of bulkheads, high location points of lifeboats and life rafts, possible stowage errors and uneven loading.
- 3.3 The EESC welcomes the efforts made to harmonise international rules, in this case bringing them into line with the international rules established by the IMO. It also appreciates the efforts made to simplify legislation that facilitates the use and application of these rules.
- 3.4 However, the Committee takes a negative view of the readability and transparency of the document. Examination of the proposal proves to be extremely difficult even for experts, due to

the structure of the text and the way in which the chosen solutions are presented. The provisions and clarifications thus designed actually run counter to the objective of the proposal, which is to facilitate the use and application of the aforementioned legal provisions. It is recommended that a graphical presentation be attached to the submitted proposal, e.g. in the form of the table in the appendix, and that appropriate guidelines and explanations be drawn up.

- 3.5 The EESC would like to express its satisfaction with the method of working on the proposal. Taking into account the voice of industry experts and stakeholders in the design of the draft legislation is the correct practice and facilitates the achievement of the objectives of any legislative initiative. At the same time, it can be expected that the envisaged harmonisation of technical definitions and the introduction of legal wording will be properly effected and implemented.
- 3.6 The EESC is concerned about the temporary alternative solutions adopted in the proposal for newly built ships certified to carry 1 350 persons or fewer, and about the suggestion that these two options be evaluated ten years after the implementation of the amendment, as well as the announced revision of the Directive after the evaluation.
- 3.7 The EESC notes that the introduction of two alternatives for newly built ships means that the objective of the proposal will not be achieved, i.e. reducing complexity and the technical and administrative burden. The proposal, as the Commission points out, responds to the new solutions introduced in the SOLAS Convention and seeks to align two parallel sets of rules. Despite these objectives, a temporary solution is proposed, with two alternative systems for a period of 10 years, to be revised after that period.
- 3.8 In the EESC's view, the introduction of such temporary solutions will create a situation of uncertainty and further problems in the future. It should be stressed that fleet investments in this transport sector are of a long-term nature. The Committee points out that the average age of ro-pax ships is 26 years, while the average age of ro-ro cargo ships is over 15 years¹. The outlook set out in the proposal should therefore take into account the realities of the sector.
- 3.9 The EESC believes that the provision indicating the temporary application of alternative stability requirements should be replaced by a single solution for stability requirements in relation to newly built vessels carrying 1 350 and fewer people, so as not to create further problems with the consistency and clarity of the rules and to avoid the temporary nature of their application.
- 3.10 The EESC supports mechanisms for monitoring and periodic evaluation, but in the light of the foregoing recommends changing the wording and logic of such a solution. The introduction of a periodic evaluation at set intervals is suggested, e.g. every 10 years. However, legislative action should not be prejudged on the basis of the conclusions of the evaluation. It is important that the evaluation be carried out with the involvement of those who are most involved in applying the

¹ EMSA, European Maritime Transport, Environmental Report 2021, Luxembourg, 2021.

rules in practice. It is therefore also suggested that the bodies regulating these matters be continuously consulted with a view to improving safety. This is important in view of climate change, which generates stronger weather fluctuations and, as a result, frequent exposure of shipping to extreme conditions.

- 3.11 In addition, to improve the readability of the proposal and to facilitate the application of the new rules, it is suggested that the content of the proposal be amended so that ships previously built can meet the existing standards, irrespective of certification. Other ships should be subject to the new solutions. However, following the transitional period, the rules should be fully harmonised.

Brussels, 18 May 2022

Christa Schweng
The president of the European Economic and Social Committee
